

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

AARON MICHAEL SHAMO, et al.,

Defendants.

2:16-CR-631 DK

BEFORE THE HONORABLE DALE KIMBALL

DATE: AUGUST 29, 2019

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - CLOSING ARGUMENTS

(Pages 2005 through 2126)

Reporter: REBECCA JANKE, CSR, RPR, RMR
(801) 521-7238

2006

A P P E A R A N C E S

FOR THE PLAINTIF UNITED STATE'S ATTORNEY'S OFFICE

BY: MICHAEL GADD, ESQ.

VERNON G. STEJSKAL, ESQ.

KENT A. BURGGRAAF, ESQ.

111 SOUTH MAIN STREET, 1800

SALT LAKE CITY, UTAH 84111

FOR THE DEFENDANT: SKORDAS & CSTON, LLC

BY: GREGORY G. SKORDAS, ESQ.

KAYTLIN V. BECKETT, ESQ.

560 SOUTH 300 EAST, 225

SALT LAKE CITY, UTAH 84111

DARYL P. SAM, PLLC

BY: DARYL P. SAM, ESQ.

5955 SOUTH REDWOOD ROAD, 102

SALT LAKE CITY, UTAH 84123

1 instruct you as to the law in this case. You each
2 have a copy of the instructions, and I'll begin with
3 Jury Instruction Number 1.

4 (Whereupon the jury instructions were read by the
5 Court.)

6 You will note from the oath that the Court
7 security officer will take that he, as well as any
8 other person, is also forbidden to communicate in any
9 way with any juror about any subject touching the
10 merits of the case. We all need a rest, or at least I
11 do. We'll be in recess for about 15 minutes. Leave
12 your papers there on your seats, and don't begin to
13 deliberate yet.

14 THE CLERK: All rise, please.

15 (Whereupon the jury leaves the courtroom.)

16 Let's try to get back by about ten to.

17 (Short break.)

18 Mr. Skordas, you asked a question about when
19 the next break would be; is that right?

20 MR. SKORDAS: Yes.

21 THE COURT: The plan -- I thought I outlined
22 this yesterday, but I'll do it again. We'll take the
23 longer, 30-minute break for the jury to go to lunch
24 after Mr. Stejskal's opening.

25 MR. SKORDAS: That's what I thought you said.

2009

1 THE COURT: Yeah. And then you can do yours
2 after that.

3 MR. SKORDAS: Very well.

4 THE COURT: And I think we probably won't
5 need another break because the two of you can probably
6 get done what you need to get done in whatever time.

7 MR. SKORDAS: Probably less than an hour.

8 THE COURT: Yeah. Are we ready to proceed?

9 MR. STEJSKAL: Yes.

10 THE CLERK: All rise, please.

11 (Whereupon the jury enters the courtroom.)

12 Court will resume session. You may be
13 seated.

14 THE COURT: Mr. Stejskal, you may proceed
15 with your closing argument.

16 MR. STEJSKAL: Thank you, Your Honor.

17 May it please the Court, counsel, Ladies and
18 Gentlemen of the Jury, the last three weeks you have
19 listened to the evidence of the rise and fall of Aaron
20 Shamo, the self-proclaimed Pharma-Master, the drug
21 dealer to other drug dealers and desperate addicts
22 alike, the leader of a drug trafficking enterprise
23 that distributed highly addictive and dangerous drugs
24 to scores of people in all 50 states.

25 Death, drugs and money are still why we're

2010

1 here. We're here to hold Aaron Shamo accountable for
2 his actions in this case. Let's start with his own
3 words: "With money comes greed. I'm not gonna lie.
4 Money's cool. With money comes a lifestyle. If you
5 drive a B.M.W., you can't go back to a Toyota."

6 Like many drug dealers, if the money is
7 coming in, Mr. Shamo learned to ignore everything
8 else. More money, more money, more money became Aaron
9 Shamo's reason for being. He was the Pharma-Master.

10 My role this morning is to help marshal the
11 evidence. Obviously, three weeks of evidence, I can't
12 possibly go through it all, and you've patiently
13 listened and taken notes and you have got the
14 evidence. My job is just to try to bring it all
15 together to help you understand how the evidence and
16 the law interacts together. In order to do that,
17 here's a rough outline of what I'm going to try to
18 cover this morning.

19 First of all, we're going to go through a
20 chronology of Mr. Shamo's drug trafficking enterprise,
21 how we got from the start to the finish.

22 Second, we'll talk about the requirements of
23 what it takes to be found guilty of running a
24 continuing criminal enterprise.

25 Third, we'll talk about the enhanced elements

2011

1 of Mr. Shamo's continuing criminal enterprise in the
2 Special Verdict form.

3 Fourth, we'll talk about the underlying
4 violations and the additional charges beyond the
5 continuing criminal enterprise.

6 And fifth, we'll talk about the distribution
7 of a controlled substance resulting in death.

8 How did Aaron Shamo get from working a
9 40-hour-a-week job at eBay to become the
10 Pharma-Master? Recall he and Mr. Crandall initially
11 got involved in BitCoin mining. Mr. Shamo bought a
12 BitCoin mining machine. Mr. Crandall went in on it
13 with him, and they were making money just solving
14 these equations to pay people in BitCoins.

15 That soon turned to prescription Adderall.
16 Both Mr. Shamo and Mr. Crandall had a prescription for
17 Adderall, and they came up with the idea to sell this.
18 Adderall quickly moved to other drugs, MDMA, Ecstasy,
19 cocaine. Whatever drugs people were buying, Mr. Shamo
20 was willing to sell. That next moved into Alprazolam,
21 the chemical substance that goes into Zanax, and a
22 single tabletting machine. From that, it quickly
23 progressed into counterfeit oxycodone containing
24 Fentanyl and a much faster press.

25 That's a 30-thousand-foot view of what

1 happened in this case. Let's slow it down a little
2 bit and take it piece-by-piece and see how we got from
3 the beginning to the end.

4 So, Mr. Shamo and Mr. Crandall discussed
5 selling drugs, and Mr. Shamo researched selling drugs
6 and discussed his ideas with Mr. Crandall. Recall the
7 items found on Mr. Shamo's computer when agents were
8 able to conduct a search. A summary of the websites
9 visited by Mr. Shamo included researching pill
10 presses, researching punches and dies to make the
11 right imprints on the pills, pre-mixed inert
12 ingredients from Tablet Press Club. That's all in
13 2015.

14 In 2016, he researched MoneyGram. At the
15 same time, he's ordering punches and dies from China,
16 and they wouldn't accept Bitcoin, and they wanted to
17 be paid another way. He researched Tumbler, which is
18 how to get BitCoins circulated through the system
19 anonymously, Cryptopay, and stopoverdose.org,
20 obviously concerned about the effects this Fentanyl
21 and these counterfeit oxycodone were going to have on
22 people. Multiple pages of Google searches.

23 And there are 6, 8 -- a lot of pages where
24 agents took out specific terms of what he searched.
25 Fentanyl and Fentanyl testing is listed multiple

2013

1 times. He searched Fentanyl over and over. M30's,
2 Roxies searched several times over the course of this
3 to learn how to manufacture and distribute these
4 drugs. On his computer, methods to commit money
5 laundering, step-by-step. Reddit searches. Recall,
6 Reddit is an online forum where people get together
7 and discuss topics such as how to get away with things
8 on the Dark Net.

9 You see some of his searches. Here are some
10 methods that police use. Stories of people getting
11 busted, let's learn from. And a manual on how to ship
12 drugs to avoid law enforcement detection, all on
13 Mr. Shamo's computer in his home where he was
14 manufacturing these pills.

15 There's no don't that Mr. Shamo knew, from
16 the very beginning, that all of this was illegal and
17 dangerous, yet he made a conscious decision to break
18 the law by selling drugs in this manner. He even came
19 up with his own title. Aaron Shamo became the
20 Pharma-Master.

21 He had help. Mr. Crandall, although he was
22 not using Mr. Shamo's computer. He was not even in
23 the country when a lot of these searches took place.
24 Mr. Paz was pressing pills. He wasn't running these
25 searches, Mr. Shamo was. Mr. Shamo testified, "If I

2014

1 had any questions, I researched or Googled it" or
2 words to that effect.

3 Now, make no mistake, Mr. Crandall was deeply
4 involved from the beginning as you've heard testimony.
5 There was an initial investment to start up on the
6 Dark Web, and Mr. Shamo and Mr. Crandall both invested
7 an amount of money to get that set up. Mr. Shamo was
8 in for two thirds, Mr. Crandall was in for one third.
9 Drew Crandall became Aaron Shamo's junior partner in
10 this operation.

11 Recall, at the beginning, duties were split.
12 Mr. Shamo obtained the drugs and sold them on the Dark
13 Net. Mr. Crandall packaged and shipped those drugs.
14 And there was an ever-expanding inventory, where
15 Mr. Shamo experimented on what was profitable and
16 would change drugs to make more money, more money,
17 more money.

18 Recall a time, early on in the operation,
19 when a roommate got called in by Homeland Security to
20 explain a package of cocaine that had been shipped to
21 him. That was an alarm for Mr. Shamo, and he decided
22 he needed drops, he needed packages with illegal drugs
23 to be sent to others in their name and then delivered
24 to him to process and sell to others but didn't want
25 things coming to him to expose him to law enforcement

2015

1 detection.

2 Mr. Shamo needed to exchange BitCoin for cash
3 to fund some expenses. He researched that, and he
4 testified to his knowledge of how that worked.
5 Bitcoin kiosk, peer-to-peer, Bitstamp. Mr. Shamo was
6 no dummy. He researched topics he was interested in
7 and searched until he found the answer. As value
8 increased, Mr. Shamo and Mr. Crandall needed others to
9 handle different roles, packaging and shipping.

10 Mr. Shamo ultimately researched the pill
11 press idea, and again refer back to his computer
12 searches and Google and Reddit to see that Mr. Shamo,
13 on his computer, did that research. Buying and
14 selling Alprazolam was not nearly as profitable as
15 pressing Alprazolam from the raw powder.

16 Now, recall while this research is going on
17 and this operation is slowly developing and these
18 plans are taking place, Mr. Crandall is making plans
19 to leave the country, and Mr. Shamo is well aware of
20 those plans. In August of 2015, Mr. Crandall and his
21 girlfriend at the time, Sasha Grant, decided to buy
22 tickets to New Zealand. Mr. Shamo makes plans to
23 carry on the drug trafficking organization that he and
24 Mr. Crandall started without Mr. Crandall being there.

25 Alex Tonge and Katie Bustin are hired by

1 Mr. Shamo to replace Mr. Crandall in the role of
2 packaging and shipping. Mr. Crandall showed them how.
3 Mr. Shamo has learned how to press pills by the time
4 Mr. Crandall is leaving, but Luke Paz is also hired to
5 replace Crandall as an additional pill presser.
6 Mr. Crandall showed him how. Mr. Shamo agreed to buy
7 Drew Crandall out of his junior partnership in the
8 organization for \$40,000, but he only paid 20,000
9 before Mr. Crandall left the country.

10 On November 27, 2015, Drew Crandall left the
11 United States with Sasha Grant to travel the world.
12 After selling his car, he had \$17,000 in his pocket,
13 all from profits from this drug trafficking
14 organization. Important to remember, at this point in
15 the chronology, is that no Fentanyl pills had been
16 pressed before Drew Crandall left the country and left
17 the drug trafficking organization. That all happened
18 after Drew was gone.

19 Recall Chris Kenny and testimony about him.
20 He liked the Zanax that Mr. Shamo and his organization
21 were selling but saw huge profit potential in Fentanyl
22 pills, so he mentioned that to Mr. Shamo. Mr. Shamo
23 researched and found a Fentanyl source in China.
24 Mr. Shamo with Mr. Paz, and using Mr. Crandall's
25 mixture formula that Mr. Crandall left for Alprazolam,

2017

1 and not for Fentanyl.

2 And, with feedback from Mr. Kenny, Shamo
3 figured out how to press counterfeit Oxys containing
4 Fentanyl that would look like legitimate Oxy that
5 users would buy. He refined the process with feedback
6 from Mr. Kenny, who tested the product on his
7 customers, basically through human trials. Press some
8 pills, give or sell them to customers, ask them how
9 they were. Are they strong enough? Are they too
10 weak? Are they blue enough? How's the markings on
11 there? Do they look like Oxycodone? Dangerous
12 testing to customers that Shamo condoned in order to
13 perfect his tabletting operation for counterfeit
14 Oxycodone.

15 Or, in Mr. Shamo's own words, when asked how
16 he did it, "trial and error." Trial and error is how
17 he perfected how much Fentanyl to put in pills that
18 he's shipping around the country to other dealers and
19 addicts. Think of what error means in this context.
20 Mr. Shamo knew from the beginning that these pills
21 weren't to help people with pain. That testimony from
22 him was either a bald-faced lie or an after-the-fact
23 justification to help him sleep at night. He knew
24 these were going to people to get high.

25 Mr. Shamo, in starting the Fentanyl pill

2018

1 operation, was becoming exactly who he set out to be,
2 the Pharma-Master. Fentanyl pills were much more
3 profitable than anything he had been selling before.
4 The volume was steadily increasing. He needed more
5 drops to receive raw Fentanyl from China, to receive
6 the inert ingredients that would go into the mixture
7 to make these pills. He needed customer service help
8 to respond to people who couldn't track their
9 packages, who thought there were problems. He needed
10 to maintain positive feedback to build trust with
11 potential customers.

12 Recall that extra pills were often given and
13 orders readily replaced because the cost of these
14 Fentanyl pills was so negligible it didn't matter.
15 The solution was to give more pills. As his
16 enterprise grew, there was more and more work
17 involved. He recruited Sean Gygi to help ship when
18 Tonge and Bustin didn't want to do it anymore. He
19 enticed Mr. Crandall back into doing customer service
20 in July of 2016. And we'll talk more about that.

21 And, with the help of Luke Paz, he was
22 trading BitCoin for drawers full of cash. Aaron
23 Shamo, whether by skill or pure determination in doing
24 the research and determination to carry out what he
25 set out to do, established himself as the CEO of a

1 nationwide drug distribution network. Again, in his
2 words, he was the Pharma-Master. In the words of the
3 law, he was the head of a continuing criminal
4 enterprise.

5 You all have packets of jury instructions,
6 and I'll be referring to them a lot. The Judge had
7 the unenviable task of reading them all to you. I
8 have possibly the even more unenviable task of helping
9 explain them to you. You might argue that you have
10 the least fate of all in listening to both of us
11 reading and explaining them to you. They are not as
12 bad as they look. There's a lot there, but you're
13 smart people. That's why you were chosen to sit as
14 jurors in this matter. We'll walk through them
15 together, and we'll understand them together.

16 I'm going to first direct your attention --
17 and, again, you're welcome to follow along. Some of
18 them I'll put on the screen. Some of them I won't.
19 I'll talk about them. You can follow along in your
20 packet or you can just listen. Jury Instruction 29
21 contains elements of continuing criminal enterprise.
22 Elements instructions tell you what the United States
23 needs to prove, beyond a reasonable doubt, in order
24 for you to find the defendant guilty of any particular
25 charge.

2020

1 Count I of the Indictment that the Grand Jury
2 returned against Mr. Shamo alleges that he engaged in
3 a continuing criminal enterprise or what we lawyers
4 call a CCE. Element 1 requires you to find that the
5 defendant violated the Controlled Substances Act in
6 ways specified as underlying violations on the Special
7 Verdict Form, and we'll talk a lot more about that
8 later.

9 Element 2 requires that you, as a jury,
10 unanimously agree on at least three of the underlying
11 violations and that three or more of those controlled
12 substance violations were connected as a series of
13 related or ongoing activities.

14 Now, clearly this was a continuing series of
15 related activities. Mr. Shamo and his organization
16 were selling pills over and over and over through the
17 Dark Net, through the same process; customer orders,
18 shipping orders prepared, helpers help package and
19 mail those items to the customer, and the customer
20 pays in Bitcoin with the money that comes back to
21 Mr. Shamo.

22 So, element 2 is pretty easy. Obviously
23 there are three underlying violations that are
24 connected. So let's look specifically at 3, 4 and 5.
25 Elements 3 and 4 specifically here first. At least

2021

1 five other persons with respect to whom Mr. Shamo
2 occupied a position of organizer, supervisor or any
3 position of management. Note, as I review the people
4 Mr. Shamo organized, managed and supervised, that they
5 need not have acted in concert with or even known each
6 other. Mr. Shamo need not have controlled their every
7 activity. It's sufficient that he gave general orders
8 for others to carry out.

9 We've referred to this chart over and over,
10 and these are the people that Mr. Shamo managed,
11 organized, and supervised and we'll go through them
12 one-by-one:

13 Gabby Noriega. You recall testimony that she
14 was Mr. Shamo's executive assistant who would do
15 essentially any task he asked her to do. Multiple
16 times she ordered pill ingredients for him, "Get ahold
17 of Tablet Pill Press Club and get me some
18 microcrystalline cellulose;" lots of other items that
19 she was required by him to get, shipping supplies from
20 Uline and other companies, postage from the post
21 office.

22 Recall those telegram exchanges where he
23 would say, "I need this now. I need stearic acid
24 yesterday. I need it now." And Ms. Noriega's job was
25 to get it done. He didn't care how she got it done.

1 She was under orders to do this, and she was
2 compensated for her services by Mr. Shamo.

3 Mario Noble recruited by Mr. Shamo to perform
4 customer service; customer service being to respond to
5 people on the internet on the Dark Web who were having
6 problems with their orders. Recall, he came up with a
7 series of canned responses that we saw: Your order is
8 on its way. Here's your tracking number.

9 Different responses. He also recruited some
10 drops. In his customer service role, Mr. Shamo
11 managed and supervised him. Mr. Noble would report to
12 Mr. Shamo if there were major problems, and Shamo was
13 the one to deal with those, but he was to perform the
14 day-to-day customer service for Mr. Shamo's
15 Pharma-Master organization.

16 Luke Paz. You heard from Mr. Paz. He
17 started out as a drop. He got the pill presses sent
18 to his address. He got punch dies sent to him. He
19 also was a presser for those Fentanyl pills. He
20 operated the pill press in Mr. Shamo's home. Who
21 managed him? Who supervised him? Aaron Shamo. Who
22 paid him a wage? This wasn't a partnership. This was
23 a wage. I will give you 25 percent. I will give you
24 X amount per pill you punch. And that's what Mr. Paz
25 did for that compensation.

1 Mr. Paz also helped convert Bitcoin to cash
2 for Mr. Shamo. Mr. Shamo had control of the cash. He
3 would direct or order Mr. Paz to go convert this cash,
4 and Paz would give it back to Mr. Shamo for Mr. Shamo
5 to determine where it went.

6 Drew Crandall, initially a one-third partner
7 responsible for packaging and shipping these drugs
8 early on; adderall, MDMA, Zanax, helped press the
9 Zanax and came up with the mixing formula for
10 ingredients for the Zanax pills. Again, initially a
11 partnership. He was bought out by Mr. Shamo, and when
12 the Fentanyl pill press operation began and continued,
13 Mr. Crandall was nowhere involved.

14 Then, recall that Mr. Crandall was recruited
15 back in July of 2016 to do customer service. For a
16 wage. He was paid \$1200 bi-weekly to perform this
17 customer service function. He was supervised and
18 managed by Mr. Shamo. He wasn't a partner at that
19 time. He wasn't reaping millions of dollars from this
20 operation. He was a mere employee, enticed back by
21 Mr. Shamo to participate in the organization.

22 Alexandrya Tonge. Recall that she and Katie
23 Bustin started as drops. They saw Mr. Shamo was
24 making some money, asked him how they could get
25 involved, and he said, "Could you receive a few

1 packages?" They did. They wanted more money. They
2 became responsible for order processing, packaging and
3 shipping under the direction -- recall, first of all,
4 Mr. Crandall showed them how to do it, went over to
5 their house, showed them how to package things,
6 process orders. Then Mr. Crandall left.

7 Who supervised them? Who managed them? Who
8 was the organizer of the orders and would get them to
9 them after Mr. Crandall left? Only Aaron Shamo. He
10 was the leader. He was the supervisor. Again,
11 Ms. Bustin and Ms. Tonge work in concert at the South
12 Jordan house.

13 Sean Gygi. He started off as a drop as well
14 and got numerous packages sent to his house, including
15 Fentanyl and Alprazolam. When the business got busy,
16 Mr. Shamo got overwhelmed, Ms. Tonge and Ms. Bustin
17 got overwhelmed by the sheer volume that was being
18 processed by this continuing criminal enterprise,
19 Mr. Shamo approached Mr. Gygi and asked him to take
20 over that role of taking all these packages from
21 Ms. Tonge and Mr. Bustin's house to the post office
22 and mailing them.

23 Mr. Crandall wasn't around at that time. He
24 was overseas. Mr. Shamo recruited him. Mr. Shamo
25 directed and ordered him of what to do and how to do

1 it. Recall also the recorded conversation of the
2 future plans for expansion in Colorado. Mr. Shamo was
3 directing Mr. Gygi on what to do. He was going to
4 bring him the packages to ship out of Colorado.

5 The bottom row, as well, were all managed and
6 supervised by Aaron Shamo. Miles Penrose. Recall he
7 gave \$10,000 seed money to get the operation going.
8 He also helped launder some money through the purchase
9 of a truck and a boat. The rest, on the bottom row,
10 with the exception of Ms. Tebbs, were drops. And
11 drops were clearly supervised, managed by Mr. Shamo.
12 He would order the packages. He would put the address
13 down to send them to their house. He would tell them
14 not to open them. Each and every one of those
15 packages that was sent to a drop would go to
16 Mr. Shamo, not to anyone else in the organization, to
17 Mr. Shamo, because he was in charge. He was making
18 these drugs happen.

19 And then Ms. Tebbs, who acted more like
20 Ms. Noriega, she was directed to purchase some things,
21 to act kind of like an office assistant to help out on
22 matters like that. Again, an employee of Mr. Shamo.

23 While your job is solely to determine whether
24 or not Mr. Shamo was guilty of the offenses charged,
25 including the continuing criminal enterprise,

1 Mr. Shamo raised the specter of why the others weren't
2 charged with the CCE. Ask yourselves if any of those
3 people organized, supervised or managed five or more
4 people. If they didn't, that charge is not
5 appropriate for them. Since Mr. Shamo did, that
6 charge is absolutely appropriate for him.

7 As the manager and supervisor, Mr. Shamo was
8 a master manipulator. He knew what buttons to push to
9 get people to do what he wanted them to do, which was
10 to keep them working for his organization so he keeps
11 making more money, more money, more money. Recall
12 Ms. Tonge and Ms. Bustin wanted to quit several times.
13 He raised their pay. He told them that he would need
14 time to find replacements, that they couldn't leave
15 him in the lurch. He told them he would help them to
16 buy a house if they stayed, and they stayed.

17 Mario Noble. He said he wanted out.
18 Mr. Shamo's response. If there's anything I can do to
19 aid you to stay and not take a break, let me know.
20 Mario Noble stayed, based on Mr. Shamo's persuasion.

21 Drew Crandall repeatedly said he wanted out
22 and kept waiting for his payout so he could leave the
23 country. Mr. Shamo kept telling him he didn't have
24 the money to pay him and slow-paid to get Mr. Crandall
25 to do more and more and more for the organization

1 while he was in the country.

2 Then, in July of 2016, he was trying to
3 entice Mr. Crandall back into the drug trafficking
4 enterprise. Recall, he told Mr. Crandall he didn't
5 have the \$10,000 that he owed him, but he would pay
6 him \$1200 bi-weekly for customer service. You recall
7 that testimony from Mr. Crandall.

8 What else was going on in July of 2016? This
9 is the money from Aaron Shamo's parents' house, part
10 of the \$429,000 that he dropped off. There was a band
11 around one of those stacks of hundred-dollar bills.
12 July 13 of 2016, the same time Mr. Shamo was telling
13 Mr. Crandall: I don't have \$10,000 to pay you. Why
14 don't you come and do customer service, and I'll pay
15 you a weekly wage.

16 Mr. Shamo clearly organized the drug
17 trafficking enterprise and managed and supervised his
18 employees who were hired to carry out those designated
19 functions for Mr. Shamo.

20 Let's next talk about the fifth element of
21 continuing criminal enterprise. Defendant obtained
22 substantial income or resources from the series of
23 violations. And that just means his income was
24 significant in size or amount. Pretty simple concept.
25 Did Mr. Shamo obtain significant income from this

1 continuing criminal enterprise? Clearly the answer is
2 yes. Drawers full of cash found at his house when the
3 police came. Safe stocked with cash. \$429,000 he
4 socked away at his parents' house to not be in the
5 same place as where he was operating this enterprise
6 from.

7 The cash seizures on November 22, 2016, when
8 this operation was taken down, Mr. Shamo had
9 \$1,657,000 in cash in those drawers and at his
10 parents' house. Mr. Paz had \$805,000, almost 806.
11 You recall Ms. Tonge and Ms. Bustin had about \$19,000
12 in cash. Who is obtaining substantial income and
13 resources from this? Well, all of those three are,
14 all those are four people are, but look at Mr. Shamo's
15 chunk compared to everybody else. And this slide
16 doesn't cover Mr. Crandall because there were no cash
17 seizures from him on that date. And we'll talk about
18 him some more.

19 What about Bitcoin seizures? Bitcoin was
20 also income and substantially so. On the day of the
21 take down, Mr. Shamo had 513 and some odd Bitcoins in
22 his wallet. Mr. Paz had 32. Ms. Tonge and Ms. Bustin
23 had a mere half a Bitcoin that was meant for
24 purchasing postage and other items necessary to run
25 the operation. Those 513 Bitcoins were worth \$2.47

1 million on October 11, 2017, when agents were
2 ultimately able to obtain and seize those from
3 Mr. Shamo's Bitcoin wallet.

4 Recall this email to the landlord in
5 Cottonwood Heights, Jeremy Lapin, where Mr. Shamo
6 represented that he was a Bitcoin trader and had this
7 much Bitcoin in his Bitcoin wallet, 1,443 Bitcoins as
8 of November, 2015. That's at the time Mr. Crandall is
9 leaving the country. He had begun the Zanax pill
10 press operation, but no Fentanyl yet. By November of
11 2016, when Mr. Shamo was arrested, an additional 3,000
12 Bitcoins had gone through Mr. Shamo's Bitcoin wallet.
13 Clearly, he obtained substantial income and resources.

14 And recall what Mr. Shamo said. "With Money
15 comes a lifestyle." Mr. Shamo detailed his spending
16 in his testimony but down-played it to you like it was
17 no big deal. "My cars weren't new," he said, as he
18 bought a B.M.W. and a \$42,000 truck. "I took casual
19 vacations," he said, as he went to Puerto Rico, the
20 Caribbean Islands, Mexico and researched buying
21 property there. Las Vegas became something of a
22 routine, and he lost \$5,000 or more on more than one
23 occasion and just said, "My wallet is a little bit
24 lighter."

25 He made other lavish purchases, such as a

1 boat, that truck, 88-inch TV. He's living in a nice
2 house in Cottonwood Heights, as opposed to the
3 apartments he was previously living in.

4 Mr. Shamo was living off of his drug
5 trafficking profits, and he was living lavishly.
6 Vacations, music venues, enjoining the high life off
7 of other people's misery. There he is on his new boat
8 Captain Schmo. Recall his own self-help message New
9 Year's, 2016. "I will over achieve. I will overcome,
10 and I will be F'ing rich. Life is great. Life is
11 amazing. I honestly can't wait to live it. Going to
12 make \$250,000 in the next few months easy."

13 And once he got that Fentanyl pill press
14 going, he was right. He made that amount and lots and
15 lots more. More money, more money, more money.
16 Mr. Shamo was living the dream. He had become the
17 Pharma-Master.

18 You're going to be given a Special Verdict
19 Form that has boxes, guilty and not guilty and some
20 other items proven and not proven. With regard to the
21 continuing criminal enterprise, those were the five
22 elements in Jury Instruction 29. If you find those
23 five elements have been proven by the United States,
24 which, based on the evidence, I submit have been
25 proven, you should find the defendant Aaron Shamo

1 guilty of Count I, engaging in a continuing criminal
2 enterprise.

3 After you do that, you will move on to the
4 enhanced elements of Mr. Shamo's continuing criminal
5 enterprise that are contained on the Special Verdict
6 Form. You will be asked whether the defendant is the
7 principal administrator, organizer or leader of the
8 enterprise or is one of several such principal
9 administrators, organizers or leaders. Keep that in
10 mind as you consider this, that the law doesn't
11 require that the defendant is the only principal
12 administrator, organizer or leader, although I would
13 submit that, based on the evidence, he was. But the
14 United States need only prove, beyond a reasonable
15 doubt, that the defendant was one of possibly several.
16 You can consider others as well.

17 Let's talk about whether he's the principal
18 administrator, organizer or leader of the continuing
19 criminal enterprise. Recall the testimony of retired
20 Special Agent Jeff Bryan who had been doing drug
21 investigations both domestically and internationally
22 for well over 20 years. And he was asked, what does a
23 leader and organizer and principal administrator do?
24 What are some things that show that a certain
25 individual is the head of, the principal administrator

1 of an organization?

2 Well, one thing they do is they come up with
3 the idea of how to make money. And, at the beginning,
4 Mr. Shamo and Mr. Crandall were in on that together.
5 But, as that expanded, it was Mr. Shamo's idea to
6 include Fentanyl and expand the operation. What else
7 does a principal administrator, organizer or leader
8 do? Put it together into a business model. How are
9 we going to do this? Okay. We want to make money.
10 We want to sell drugs. How are we going to do this?

11 Mr. Shamo put it together by researching the
12 Dark Web, researching drugs on how to obtain them and
13 sell them to customers and to sell them anonymously to
14 people to try to avoid getting caught.

15 A principal administrator, organizer, leader
16 establishes the source of supply. Recall that
17 Adderall was the only thing that Mr. Crandall was
18 involved in establishing the source of supply.
19 Everything else was Mr. Shamo, from the drugs at the
20 beginning, to the Alprazolam that went into the
21 counterfeit Zanax, to the Fentanyl from China that
22 went into the fake Oxy pills. All Mr. Shamo,
23 establishing the source of supply and controlling
24 that. He was the only one that ordered things from
25 China because he had the China contacts.

1 What else? Establish a means of product
2 sales. That was solely Mr. Shamo. He set up the Dark
3 Net. He established the marketplace site where
4 customers could see what was for sale and complete
5 their purchases.

6 Marketing. Again, solely Mr. Shamo, through
7 product placement on the marketplace website. And
8 positive feedback. Mr. Shamo was obsessed about
9 maintaining positive feedback to market his Fentanyl
10 pills so that customers would be comfortable buying
11 them, and he's anonymous and they don't know who they
12 are coming from. They have to be good, and he has to
13 market them.

14 Recruiting employees. That's something an
15 organizer, leader, principal administrator does. Now
16 recall, others helped on occasion. Mr. Noble
17 recruited some people. Ms. Tonge and Bustin recruited
18 a few drops. Those are drops. Others suggested or
19 introduced some people, but it was ultimately
20 Mr. Shamo who employed people, who had to approve
21 whether or not they were going to work for the
22 organization, who had to approach the role they would
23 do and who ultimately paid them. Mr. Shamo was the
24 only one who accessed the money and paid these people
25 to commit -- to participate in these activities.

1 Principal administrator, organizer defines
2 the roles in the organization. It was Mr. Shamo who
3 said these people are going to do the packaging and
4 shipping. These people are going to be drops. These
5 people are going to be customer service
6 representatives. That was Mr. Shamo.

7 Maintain employees by defining and adjusting
8 payment. Again, Mr. Shamo was the only one who paid
9 employees, and he made adjustments over time. You saw
10 he negotiated with Mr. Paz. He negotiated with
11 Ms. Tonge and Ms. Bustin about getting more pay to
12 keep them in the organization. Mr. Shamo was the one
13 who did that.

14 Handle larger problems. Recall customer
15 service, that a lot of that was routine according to
16 Mr. Crandall and Mr. Noble, who conducted customer
17 service, but recall also that Mr. Crandall said any
18 major problem, which Mr. Shamo defined as anything
19 involving more than \$500, that was to be dealt with
20 directly by Mr. Shamo. Customer service was to send
21 Mr. Shamo a message, a sticky as they called them, for
22 Mr. Shamo to personally deal with those problems
23 because he's the leader. He's the principal
24 administrator because the buck stops with him,
25 figuratively and literally.

1 What else does a principal administrator and
2 organizer do? Deal drugs to other drug dealers. This
3 isn't a guy who's only selling individual pills to
4 addicts, this is a guy who's selling 20,000 pills at a
5 time to others knowing that they are going to be
6 selling these pills to others. As the organizer of
7 this enterprise, Mr. Shamo is the one who decided to
8 get bigger, get bigger. More money, more money.

9 And finally, and most importantly, the
10 principal administrator and leader reaps the benefits
11 of the enterprise. Who reaped the substantial
12 benefits from this enterprise? With the exception of
13 Mr. Shamo's best friend, Mr. Paz, with whom he worked
14 out a generous pay structure, later adjusted downward,
15 Mr. Shamo kept the lion's share of the profits from
16 this drug trafficking organization.

17 Special Agent Bryan used the term "follow the
18 money." He said that's a primary way to determine who
19 the head of the drug trafficking organization is, and
20 by law enforcement following the money, it led them
21 directly to the principal administrator and later
22 Aaron Shamo.

23 And also you use your common sense. Who
24 says, "I think I'll start a business where I don't
25 make money." Nobody. Mr. Shamo started this business

1 for the purpose of making money. He hired employees
2 to help him carry on this business to make him money.
3 He organized this operation.

4 Drug trafficking organizations come in many
5 different structures. Yes, Mr. Shamo and Mr. Crandall
6 established initially as partners. Mr. Crandall and
7 others occasionally helped with recruitment,
8 especially for drops. Mr. Crandall figured out the
9 mixing formula when they were pressing Zanax. But
10 Mr. Crandall wasn't participating in the organization
11 when Fentanyl was added. That was Mr. Shamo.
12 Mr. Shamo testified that Mr. Crandall was still part
13 of this organization during the time Mr. Crandall said
14 he wasn't, when he left the country. And you didn't
15 hear or see one thing to support Mr. Shamo's bald
16 assertion.

17 Agents scoured Mr. Shamo's computers and
18 found messages over that time period to others, but
19 none to Mr. Crandall. Agents scoured financial
20 records and only found the 10,000 that Mr. Crandall
21 was paid from the buyout and the customer service
22 wages he was paid after July 16 when he rejoined the
23 organization. He was not the organizer and leader at
24 that time. He was a mere employee.

25 Again, looking at the instruction, even if

1 you want to find that at some times others shared
2 leadership or organizational roles, Jury Instruction
3 30 says Mr. Shamo need only be one of several possible
4 leaders. Despite the allegation of duties, Mr. Shamo
5 never gave up control of the Pharma-Master website
6 where drugs were sold and prices were set, never gave
7 up access to the sources of Fentanyl, Alprazolam and
8 pill press dies in China, never gave up the authority
9 to hire and pay employees, negotiate with customers
10 and make big decisions in the customer service arena
11 and never gave up control of the money and how much to
12 share with others. He had sole access to money coming
13 in through Bitcoin from the customers.

14 So ask yourselves this question. Who did the
15 evidence show was indispensable to the running of this
16 drug trafficking enterprise? Or another way to ask
17 that same thing. Does this criminal enterprise carry
18 on if any one individual leaves? New drops came in,
19 new packagers and shippers, new customer service
20 helpers. Roles were replaceable. Everyone was
21 replaceable except Mr. Shamo. He was the principal
22 administrator, organizer and undisputed leader of this
23 enterprise. Mr. Shamo was the Pharma-Master.

24 On the Special Verdict Form, you're going to
25 be asked to consider if the United States has proven,

1 beyond a reasonable doubt, that Mr. Shamo was the
2 principal administrator, organizer or leader. And,
3 based on what I have reviewed with you and all the
4 evidence that you have in your notes about what you
5 have seen and heard from the testimony, I'm asking you
6 to check that box as proven, that he is exactly that,
7 principal administrator, organizer and leader.

8 Special Verdict Form 1-A. That was 1-B. 1-A
9 requires the United States to prove that the
10 conspiracy to distribute Fentanyl involved 12
11 kilograms or more of a mixture or substance containing
12 a detectable amount of Fentanyl. Important in that
13 language is the term "mixture or substance containing
14 a detectable amount of Fentanyl." Pills and powder,
15 mixture, pure count the same in the weight. So,
16 whether it's a pill, you get the total pill weight.
17 If it's a powder, you get the total powder weight.
18 Any substance containing Fentanyl counts in this
19 calculation of whether he conspired to distribute 12
20 kilograms or more.

21 Recall the DEA chemist who spent all morning
22 on Monday going through the tests of the substances
23 that were seized from Mr. Shamo's organization. Let's
24 go through each of these just real quickly. 98 grams
25 of Fentanyl, 74 grams of Fentanyl, 99 grams of

1 Fentanyl, 2,138 grams of Fentanyl, 225 grams of
2 Fentanyl, 54 grams of Fentanyl, 454 grams and 1512
3 grams of Fentanyl, 22 grams of Fentanyl, 7,274 grams
4 of Fentanyl and 441 grams of Fentanyl, 102 grams of
5 Fentanyl, 87 grams of Fentanyl, 6 grams of Fentanyl,
6 239 grams of Fentanyl.

7 Each of these samples were taken from
8 different areas of the drug seized. For example,
9 Exhibits 1 and 3 and 5, they are at the top, were
10 packages of powder seized that were imported from
11 China to be used in the pressing operation. Exhibit
12 8.32 was the bulk tote of blue pills at Ms. Tonge's
13 and Ms. Bustin's house that were ready for shipping
14 out when their home was -- a search warrant was
15 executed at their home.

16 These other packages were seized when
17 Mr. Gygi was working with law enforcement and seized
18 before and after they went into the mail stream. Of
19 the drugs tested, 12,825 grams of Fentanyl involved in
20 those. And, again, that, in and of itself, proves
21 that element, that Mr. Shamo was involved in an excess
22 of 12,000 grams of Fentanyl. But, again, those were
23 merely a representative sample.

24 There is the packages that went out on
25 November 18, the packages that went out on November

1 20. Several items were tested, but not all. Exhibit
2 6.00 that you have on your screen, recall that one.
3 It's a spreadsheet on each package seized on those
4 dates in the left column, the initials, the
5 addresses -- sorry -- addressee initials of who it was
6 sent to and the number of pills in each package and
7 what that package was.

8 Ask yourselves if there is any reasonable
9 doubt that those packages also contained Fentanyl. Do
10 they look the same as the packages that were tested?
11 Were they being sold as fake Oxycodone by Mr. Shamo on
12 the Dark Web, the same as the tested pills? Was
13 Mr. Shamo relying on positive feedback that his pills
14 were good and only putting out quality Fentanyl pills
15 to his customers?

16 Recall DEA chemist Dr. Oblath testified that
17 each counterfeit Oxy weighed approximately 108
18 milligrams. You can use a hundred milligrams for the
19 ease of math and add up all those pills and how much
20 they weighed. And just from those packages in that
21 four or five-day window in 2016, there were 7,660
22 grams of Fentanyl to be shipped out on those dates.
23 And recognize that is a tiny snapshot of what had been
24 going on for the better part of ten months, increasing
25 in volume over that time.

1 Do you have any reasonable doubt that, from
2 February through November of 2016, Mr. Shamo, in his
3 continuing criminal enterprise, exceeded 12,000 grams
4 of Fentanyl pills? There's two other ways to do the
5 math. Recall the order forms. There are 1984 pages
6 of order forms that were placed as an exhibit, and
7 this is just an example. Each one of those on the top
8 line talks about how many pills were sent out in any
9 given shipment. If you were to go through those
10 orders and add up all the Fentanyl pills that went out
11 over this time period, well in excess of 12,000 grams.

12 Pharma-Master feedback. The feedback talks
13 about how good these pills were, that they in fact
14 contained the Fentanyl, as advertised, and customers
15 were very, very happy with the product they were
16 receiving. Is there any reasonable doubt, based on
17 the 98 plus percent feedback, that all the counterfeit
18 Oxy shipped by Pharma-Master contained Fentanyl? Do
19 you need any other proof?

20 Here's one more, from Luke Paz's guilty plea,
21 he admitted he pressed approximately 480,000 fake
22 Oxycodone pills, each of which weighed just over a
23 hundred milligrams and that he distributed
24 approximately 48 kilograms of a mixture or substance
25 containing Fentanyl. Mr. Shamo was responsible for

1 hiring, supervising and paying Mr. Paz, as well as
2 selling those pills on the Dark Web.

3 The dies in Mr. Shamo's house tested for
4 Fentanyl. The powder in the press hopper at
5 Mr. Shamo's house contained Fentanyl. You should have
6 no doubt that Mr. Shamo, through his organization,
7 distributed at least 12,000 grams of a mixture or
8 substance containing Fentanyl. And when you do that,
9 you should check the proven box on the Special Verdict
10 Form under 1-A.

11 When you look at the Special Verdict Form,
12 pages 2 through 11 contains a long list of alleged
13 underlying violations for your consideration. They
14 are all designated as question 1-C. So you have seen
15 1-A is 12,000 grams of Fentanyl. 12-B was that he was
16 a principal administrator, organizer or leader. 1-C
17 contains a series of underlying violations and, again,
18 pages 2 through 11. Page 11 contains a list of
19 specific dates involving the distribution of Fentanyl
20 to individuals identified by their initials, as these
21 four violations here.

22 If all customers were included in the
23 underlying violations, included in the Special Verdict
24 Form, we would be here for days, and it would be
25 unwieldy, so this is a representative sample about

1 which you have heard specific testimony as to these
2 particular, individuals identified by initial.

3 So, Alivia Luckcuck. Recall she was a drop
4 for Trustworthy Money, and on November 18, 19, 20,
5 ordered \$70,000, \$70,000 worth of pills in two days.
6 Please give extras. I'm your best customer.

7 Who is Trustworthy Money? Jared Gillespie.
8 What was he doing with those pills? Selling them to
9 other individuals to make money, just as Mr. Shamo
10 was. Mr. Shamo is his supplier. Look at the money
11 Mr. Gillespie is making.

12 Edward Blatt identified by the initials EB,
13 April 6 of 2016, received four oxycodone pills. May
14 3, 2016, Conner Valentere, identified with the
15 initials CV, ordered five 30-milligram Roxy/Fentanyl
16 Oxycodones. Gavin Kevlish, identified by the initials
17 GK, on August 3 of 2016, ordered 20 Oxycodone 30M
18 boxes.

19 Ms. Tonge and Ms. Bustin testified that they
20 processed these orders for Mr. Shamo. These pills
21 were sent. These were real people, real customers who
22 received real Fentanyl pills from Mr. Shamo in his
23 trafficking organization.

24 If you find that Mr. Shamo aided and abetted
25 others in distributing Fentanyl to these people,

1 you'll check the proven box on that list of underlying
2 violations.

3 Next we're going to talk about Special
4 Verdict Form pages 2 and 3. So, page 2 lists -- let's
5 first go with page 3. So the tables, pages 2 through
6 10, list a table. And that tracks Exhibit 6.00 the
7 packages that were seized from Mr. Gygi that were
8 going in the mail from Mr. Shamo's organization. You
9 see the dates, the addressee initials, the states, the
10 number of pills. Each horizontal row provides
11 information about a package of pills that was to be
12 shipped, was shipped on those days. Each of those
13 items on the left-hand side is a proven or not proven
14 box.

15 As you go down and review each of these
16 items, you can use 6.00 as your guide, table, but you
17 also have evidence of each one of those packages
18 through photographs and through the exhibits
19 themselves to show that those pills were provided and
20 that Mr. Shamo aided and abetted Ms. Tonge and
21 Ms. Bustin in providing those pills to customers.

22 The other list of continuing or underlying
23 violations, there is a substantial overlap between
24 those and the substantive charges on pages 12 through
25 14 of the Special Verdict Form. In other words, Count

1 II is both an underlying violation and a stand-alone
2 count, Count II. You should consider each one once
3 and check the appropriate box on both. So if it's
4 proven, check proven and then check guilty on the
5 substantive charge, or if it's not proven or not
6 guilty, check those respective boxes on both.

7 One word of caution here because I have been
8 talking a long time. All of these charges are
9 important to the United States and were proven through
10 the evidence that you have heard over the course of
11 the last three weeks. Defense counsel said, in his
12 opening statement, that the defendant admits to many
13 of the charges in the Indictment and, based on the
14 evidence presented, I believe he was referring to some
15 of these.

16 Please don't take my lack of time spent with
17 these as minimizing their importance. All charges are
18 important, and they all merit your careful
19 consideration. You're all intelligent people and can
20 recall the evidence and apply the law. I will go
21 through each one of these briefly.

22 So Count II is Jury Instruction 36, and it
23 involves June 23 of 2016, which is the Jensen package.
24 Recall Customs and Border Protection intercepted this
25 package coming from China to Ryan Jensen. Ryan Jensen

1 testified he was going to give that package to Aaron
2 Shamo. That meets the elements. It was imported from
3 outside the country. It was Fentanyl. It was going
4 to Mr. Shamo.

5 Count III is also in Jury Instruction 36,
6 importing from outside the United States. This is the
7 November 8, 2016 package that was going to Sean Gygi.
8 You see Sean Gygi's address there. You see it was
9 coming from China. That package contained 122 grams
10 of Alprazolam. Mr. Gygi testified that package was to
11 be delivered to Mr. Shamo unopened, for Mr. Shamo's
12 use in his organization.

13 Count IV, also Jury Instruction 36. November
14 16 of 2016, the Mausia package. We don't have a
15 picture of the box, but this is a picture of the
16 Fentanyl that was inside. 74 grams. It came from
17 China. Ms. Gleave testified that Mr. Mausia's
18 packages all were going to Mr. Shamo, unopened, for
19 his use in his operation.

20 Count V, Jury Instruction 38. Knowing and
21 intentional possession of a controlled substance being
22 Fentanyl. Recall, on November 22 of 2016, the day of
23 the raid, this package was seized from Ms. Tonge and
24 Ms. Bustin's house. It was tested for Fentanyl and
25 confirmed to be Fentanyl. Recall also that DEA

1 surveillance observed Mr. Shamo, on November 18, place
2 that duffel bag filled with pills in Ms. Tonge and
3 Bustin's truck. Those are the pills that ended up in
4 the home that were put in the packages, and this is
5 how many that was left from that shipment that
6 Mr. Shamo had pressed so many pills and brought over
7 to their home.

8 The dies from the pill press in Mr. Shamo's
9 house tested as Fentanyl. The powder in the hopper
10 next to the pill -- in the pill press in Mr. Shamo's
11 house tested as Fentanyl. Clearly, he possessed
12 Fentanyl with intent to distribute on November 22 of
13 2016.

14 Jury Instruction 40 defines possession, and
15 there are two ways. You can physically possess it or
16 constructively possess it with someone else. He had
17 actual or physical possession when he delivered it to
18 Ms. Tonge and Ms. Bustin's house on the 18th. He had
19 constructive possession of that while it was at their
20 house in that he was selling it on the Dark Web. He
21 advertised it to customers. He would provide the
22 order directing Ms. Tonge and Ms. Bustin to deliver
23 that to customers, to ship that to customers.

24 Count VI is the distribution resulting in
25 death, and I am going to skip that for now, and we'll

1 talk about that in more detail.

2 Count VII, Jury Instruction 42, manufacture
3 of Alprazolam. On 11/22 of 2016, many items were
4 seized from Mr. Shamo's house. The dies in that
5 larger press tested as Alprazolam. The powder in the
6 hopper of that pill press tested as Alprazolam. The
7 pills in the bin in the bag next to the press that
8 were actively being pressed tested as Alprazolam.

9 You recall both that DEA Special Agent Hebert
10 testified that gloves and a mask were found on
11 Mr. Shamo and that he appeared to have been pressing
12 at the time agents executed the search warrant, and
13 Mr. Shamo himself admitted that he was pressing
14 Alprazolam when he was arrested. Clearly he possessed
15 that Alprazolam to distribute on that date.

16 Count VIII and Count IX involve Jury
17 Instruction 43, which is intentional adulteration of
18 drugs while held for sale. This involves the pills
19 that were pressed, the A 215's and the M30's. The
20 allegation is these were marked in this manner to
21 appear to be oxycodone, when in fact they contained no
22 oxycodone, only Fentanyl. Recall, Agent Biundo
23 researched the feedback and saw what the pills were
24 being sold as. There were 871 orders being sold as
25 those M30's, M-boxes. There were 2,244 orders being

1 sold as those A 215's, as Roxicodone.

2 Clearly these were manufactured in such a way
3 as to appear to buyers to be something that they were
4 not. Part of the proof of Counts VIII and IX require
5 proof of a reasonable probability of causing serious
6 adverse health consequences or death to humans. We
7 know how bad Fentanyl is. We heard lots of testimony
8 from FDA scientists. We heard testimony from
9 Dr. Simone that he would use 50 to a hundred
10 micrograms was a start, as an anesthesiologist, to
11 treat acute pain.

12 Mr. Shamo said he perfected the recipe by
13 trial and error and that he ended up putting 1
14 milligram of Fentanyl in his pills. Dr. Simone
15 testified that that carries a high risk of causing
16 medical problems up to and including death if not
17 properly regulated in a medical setting to keep the
18 airway open.

19 They also talked about quality control and
20 the lack thereof. You recall the filthy pressing
21 room. You recall that they were mixing these
22 substances in mason jars. Recall what Aaron Shamo
23 said in his testimony. "We didn't really think of the
24 risk when handling Fentanyl, selling Fentanyl."

25 Recall also the DEA chemist, Dr. Oblath, who

1 testified about the purity. One Fentanyl sample was
2 80 percent pure. Another was 88 percent pure.
3 Another was 72 percent pure. If Mr. Shamo is using
4 the same mixing formula for active and inactive
5 ingredients, and 88 percent Fentanyl purity will make
6 a vastly different pill than a 72 percent purity,
7 reasonable probability of causing serious adverse
8 health consequences or death to humans. Mr. Shamo
9 didn't know what the purity was he was getting from
10 China, and people were in fact getting sick.

11 Mr. Crandall sent Mr. Shamo a message only
12 halfway through messages, and they already have four
13 people saying stuff about it. It's making people
14 sick. Should I tell them to suck it up or should we
15 reship 50 percent? The only response worse than
16 Mr. Crandall suggesting to tell people to suck it up
17 was Mr. Shamo's response to this and numerous other
18 complaints. And that is to reship more deadly pills.
19 Mr. Shamo's response, when people were getting sick,
20 was to send more pills. After all, the cost of making
21 pills was negligible to him.

22 You recall the vacuum cleaner sucked them
23 right up and threw them away because they were not
24 even worth picking up off the floor. Look at all
25 those Oxycodone, fake Oxycodone Fentanyl pills that

1 were in the vacuum cleaner filter just one day at
2 Tonge and Bustin's house.

3 Count X is Jury Instruction 44. That
4 involves that package that was sent to -- mistakenly
5 sent to Tina Young. You recall Tina Young, which
6 Special Agent Ashment clarified she went by TM at the
7 time, but she used Tina Young now. She got a package
8 from Mr. Shamo's organization that she thought was
9 coffee, and she opened it up, and it was in a coffee
10 bag, and she took it to work to give her friend some
11 coffee. She doesn't drink coffee. And they opened it
12 up, and it was full of white pills. And she was
13 shocked, and her co-workers were shocked, and she
14 didn't know what to do, and she called the postal
15 service to say what was going on.

16 And Postal Inspector Howell came and got
17 those pills, and they tested for Alprazolam. Use of
18 the mails to ship controlled substances is Count 10.
19 And clearly that has been proven by this and many
20 other instances, but this is the specific one charged.

21 Count XI is conspiracy to commit money
22 laundering, and you have heard lots of testimony about
23 numerous instances of money laundering. One specific
24 instance that you can recall -- or I guess it would be
25 three instances -- is the Bitstamp transfers made by

1 Drew Crandall which involved money sent to him by
2 Mr. Shamo for his services in the drug trafficking
3 enterprise, which included his customer service
4 duties.

5 Mr. Shamo, running that through Bitstamp,
6 converting that to the bank, was involved in
7 conspiring with Mr. Crandall to commit money
8 laundering. There are a lot more instances, and you
9 can read that more closely.

10 Counts XII and XIII, which involve specific
11 allegations are also part and parcel of Count XI, the
12 conspiracy. They are specific instances that
13 constitute part of the conspiracy. So Count XII is
14 money laundering promotion, and that involves that
15 \$2700 that Mr. Shamo deposited directly into
16 Mr. Crandall's America First account when Mr. Crandall
17 was overseas. This was promotion of the trafficking
18 enterprise because it was specific pay for customer
19 service wages that Mr. Crandall performed.

20 Count XIII is Jury Instruction 48, and that's
21 money laundering over \$10,000. That involved the
22 purchase of that truck for \$42,000 from iDrive by
23 writing a \$14,000 check running through his bank,
24 Wells Fargo Bank, which involved money that was
25 deposited from a drug trafficking operation. That

1 constitutes the elements of this money laundering
2 offense in Count XIII.

3 Lastly, on this point, we'll talk about lack
4 of employment. So Work Force Services submitted a
5 statement showing what, if any, legitimate employment
6 Mr. Shamo had. And you recall the testimony that the
7 last time Mr. Shamo had any legitimate employment was
8 the first quarter of 2015, where he made his last
9 wages from eBay after he quit.

10 Again, I went through those quickly. Review
11 them carefully. They are important for you to
12 consider, but for each of these counts, again,
13 consider the substantive charge and the proven or not
14 proven on the underlying violations for the CCE,
15 continuing criminal enterprise.

16 I have been talking a long time. I told you
17 five points. I'm on point 5, distribution of a
18 controlled substance resulting in death. Jury
19 Instruction 41 contains the elements of what the
20 United States has to prove in order to prove this
21 charge against the defendant. The defendant knowingly
22 or intentionally distributed a controlled substance.
23 The substance was in fact Fentanyl. RK died from that
24 distribution, and the defendant aided and abetted his
25 co-conspirators in the commission of the offense.

1 Now, there are some things that we definitely
2 know. We know that Gregg Lee and his roommate Russlan
3 Klyuev ordered pills from Pharma-Master together, as
4 testified to by Tori grace. Here's the order form on
5 June 6, 2016. They ordered 10 Roxioxycodone pills to
6 be shipped to Gregg Lee at 3 Midvale Drive in Daly
7 City, California. We know those pills were in fact
8 shipped to Midvale Drive in Daly City, California by
9 Ms. Tonge and Ms. Bustin who were working for
10 Mr. Shamo, who sold the pills as the Pharma-Master.

11 This is the tracking summary, and it tracks
12 the package all the way from the deposit in the blue
13 box in Utah to 3 Midvale Drive in Daly City,
14 California. We know it was received and ended up in
15 Russlan Klyuev's room. The package itself ended up
16 right there in Mr. Klyuev's room.

17 We know from testimony of Tori Grace that
18 Russ snorted these pills and immediately began
19 exhibiting visible effects of opioid use. We know
20 also that Russ died that night. The only question
21 left for you to decide on this is whether the Fentanyl
22 was a but-for cause of Russ's death.

23 It's important to note that the statute does
24 not require -- sorry. It's important to note that the
25 statute does not require Mr. Shamo to have intended

1 Russ's death. Read Jury Instruction 41 carefully when
2 you're together. The statute requires that Mr. Shamo
3 knowingly or intentionally distributed Fentanyl and
4 that Russ died as a result of ingesting that Fentanyl.
5 In other words, Mr. Shamo need only to have caused the
6 death by supplying the drug that killed Russ. Drug
7 dealers don't set out to kill their customers. Their
8 customers are merely faceless sources of income.

9 And Russ and Gregg Lee were small sources of
10 income at that, just a few more dollars for Mr. Shamo
11 to spend on a boat or a cruise or to mindlessly gamble
12 away with absolutely nothing to show for it. But drug
13 dealers like Mr. Shamo are callous to the consequences
14 of selling potentially deadly drugs to profiteers and
15 desperate addicts. Congress, in their wisdom, passed
16 this law to hold drug dealers accountable if their
17 drugs cause death.

18 So let's talk about causation and
19 specifically but-for causation. You recall the
20 testimony of Dr. Stacey Hail, and how could you forget
21 Dr. Hail? Educated, experienced, intelligent,
22 articulate and dedicated to the cause of understanding
23 overdose death and hopefully prevention. Recall that
24 she appeared intellectually honest, based on her
25 testimony that she has reviewed hundreds of cases and

1 has found but-for causation approximately only 50
2 percent of the time.

3 She's not a hired hack who is given a
4 conclusion and is told to find reasons to support that
5 conclusion. She took a deep look at this case and
6 reviewed all the material that was made available to
7 her to determine whether Mr. Shamo's Fentanyl was the
8 but-for cause of Russ' death. Recall her explanation,
9 and thankfully she explained it very well, so I don't
10 have to explain it for you.

11 As this chart shows, toxidrome is a
12 constellation of signs and symptoms unique to a group
13 of substances. To simplify, stimulants such as
14 cocaine cause an elevated heart rate, high blood
15 pressure, cardiac arrhythmias. That's not what Russ
16 had. Opioids cause central nervous system depression
17 and respiratory depression, or, in simple terms,
18 people stop breathing, go to sleep and die. Opioid
19 death is entirely consistent with what Tori Grace
20 observed.

21 She testified that Russ laid down, as if he
22 was going to sleep, and his breathing was shallow and
23 labored.

24 You recall Dr. Hail's testimony that she
25 viewed photos of Russ' body as it was found dead in

1 his room and that her review included photos which,
2 out of respect, you were not shown. They included his
3 face, his head, his eyes. The toxicology report
4 indicated the presence of cocaine metabolites, alcohol
5 and Fentanyl. Although the blood/alcohol content was
6 high, Dr. Hail likened the effects to that of a
7 shotgun blast to the heart, being Fentanyl, followed
8 by a pin prick, which was the alcohol. Alcohol, at
9 that level, does not kill people. Fentanyl does.

10 Jury Instruction 32 defines but-for cause.
11 Dr. Hail carefully considered all these substances,
12 including the deworming agent that was used to cut
13 cocaine, and determined that only the Fentanyl was the
14 but-for cause of death.

15 Asked: Did you reach a conclusion as to the
16 but-for cause of Russlan's Death?

17 Dr. Hail said: Yes. Russlan would not have
18 died but for the Fentanyl.

19 When considering Count VI, don't over
20 complicate what you're being asked. The question is
21 simply whether Russ would have died if he did not take
22 the Fentanyl Mr. Shamo supplied. If he would not, you
23 have but-for causation. Russ was a troubled young
24 man, as are many opioid addicts. He made some poor
25 choices, but that doesn't excuse Mr. Shamo. Russ is

1 not on trial here. He's dead.

2 Aaron Shamo also made some poor choices, such
3 as callously pressing and selling Fentanyl pills to
4 faceless customers like Russ, knowing the risk of
5 serious consequences, including death. Recall his
6 Google searches. He Googled Fentanyl many times. He
7 knew what that was. He knew what it could cause. But
8 for the Fentanyl that Mr. Shamo sold, Russ wouldn't
9 have died that night.

10 Follow the law, which holds drug dealers
11 accountable and responsible for the death caused by
12 their preying upon people like Russ. Find Mr. Shamo
13 guilty of Count VI, distribution of a controlled
14 substance resulting in death and also find him --
15 check proven next to the underlying violation,
16 conspiracy to distribute Fentanyl resulting in Russ'
17 death.

18 To conclude, drugs, death and money. That's
19 why we're here. That was the United States' opening
20 statement. Death. This was not a faceless name on a
21 customer order sheet. His name was Russlan Klyuev.
22 His friends called him Russ. He was 21 years old.
23 But for Mr. Shamo's manufacture and sale of Fentanyl
24 pills, he wouldn't have stopped breathing and died on
25 June 13 of 2016.

1 Drugs. Look at that Fentanyl pill press.
2 Look at all these totes, jam packed with pill after
3 pill after pill, a four-day glimpse of a drug
4 trafficking operation that Mr. Shamo was running, a
5 small fraction of the pills that Shamo actually
6 produced and shipped out.

7 And money. Drawers full of cash. A safe
8 full of cash. A box of cash at his parents' house.
9 Bitcoin wallet full of coins ready to be converted to
10 more cash. Death, drugs and money.

11 It's also important that you understand the
12 scope of the crime, the gravity of the crime, the
13 impact on the nation. Recall Task Force Officer
14 Hamideh, 20-plus-year veteran police officer who said
15 he was awestruck by the sheer volume of pills being
16 distributed by Mr. Shamo and his organization.
17 Officer Hamideh testified that an undercover officer
18 buying a hundred Fentanyl pills was a big deal for the
19 DEA. That was a big pill case. Mr. Shamo sold nearly
20 a half a million or more Fentanyl pills.

21 Recall Special Agent -- retired Special Agent
22 Jeff Bryan, who has worked major drug trafficking
23 organizations and specifically pill cases since 2010.
24 He said he had never seen a pill organization of this
25 size and scope.

1 Aaron Shamo said: If I had known of the
2 opioid epidemic, I wouldn't have gone down this road.
3 That statement is simply not worthy of belief. He
4 knew the nation was on fire with opioids, and he
5 poured fuel on those flames over and over and over
6 again, never getting burned himself, but causing pain
7 and misery wherever his fire spread.

8 Aaron Shamo could be considered the face of
9 the opioid epidemic, a prolific pill seller on Alpha
10 Bay with a high rating for the potency of his Fentanyl
11 pills. Shamo was a profiteer, callously making
12 millions of dollars and living a life of leisure while
13 exploiting those suffering through opioid addiction.
14 And he has the audacity to claim he was just helping
15 out some friends.

16 Mr. Shamo called himself a white collar drug
17 dealer, speaking with Ms. Tonge, and he called himself
18 that because he didn't have to get his hands dirty
19 selling drugs on a street corner. That doesn't make
20 him any less of a drug dealer. Aaron Shamo was the
21 Pharma-Master, self-proclaimed king of a drug
22 trafficking empire.

23 It's been said that a picture is worth a
24 thousand words. This one is worth many more. Aaron
25 Shamo, as the principal administrator, organizer,

1 leader of this drug trafficking organization, was
2 shipping dangerous drugs to all 50 states. Each
3 yellow dot on this map represents a ZIP code where
4 drugs were sent. Each ZIP code can be blown up to
5 show the number of multiple buyers and orders to each
6 of those yellow dots; to Mr. Shamo, unimportant
7 addresses, faceless names, dots on a map. To
8 Mr. Shamo, these were more like dollar signs on a map.

9 Based on the evidence you have heard
10 throughout the trial, you should have no doubt that
11 the defendant Aaron Shamo was the leader, principal
12 administrator, organizer, supervisor, manager of all
13 the others involved in this enterprise, whose sole
14 purpose was to profit from selling dangerous drugs and
15 highly addictive pills.

16 On behalf of the United States, I ask you to
17 carefully consider all the evidence and to return the
18 only verdict consistent with that evidence, guilty on
19 all charges, and proven on all the underlying
20 supplemental questions on the Special Verdict Form as
21 they relate to that continuing criminal enterprise.
22 Do your duty. Find justice. Thank you for your
23 service.

24 THE COURT: Thank you, Mr. Stejskal. We'll
25 take our second break now and be back about noon.

1 THE CLERK: All rise, please.

2 THE COURT: Don't start to deliberate.

3 (Whereupon the jury leaves the courtroom.)

4 Court will be in recess 'til about noon.

5 (Short recess.)

6 THE COURT: Are we ready to proceed? We'll
7 get the jury and proceed.

8 THE CLERK: All rise.

9 (Whereupon the jury enters the courtroom.)

10 Court will resume session. You may be
11 seated.

12 THE COURT: Mr. Skordas, you may proceed with
13 your closing argument.

14 MR. SKORDAS: Thank you, Your Honor, counsel.

15 Members of the jury, you have been here for
16 two-and-a-half, three weeks. That's a long time, and
17 I think that all of the counsel on both sides have
18 acknowledged that you're always here on time, you're
19 always attentive, taking notes and paying attention.
20 And until today, 14 out of 14 of you showed up every
21 single day. For a trial this long, that's pretty
22 remarkable.

23 In an hour or so, the case will be yours, and
24 you will be the sole judges of what happened. Not us,
25 not the judge, not the prosecutors, but you. And you

1 have noticed that we don't have a bunch of DEA agents
2 that came in and told you what happened. We don't
3 have Homeland Security agents to tell you what they
4 saw. We don't have postal inspectors to tell you what
5 they saw. In part because we agree with what they
6 saw. I told you that in opening, and I'll tell you
7 that again.

8 We didn't cross examine some of the experts
9 because we believed what they were saying was true and
10 it was evidence that you needed to hear. We don't
11 have any \$550-an-hour experts to come in, fly in from
12 Texas and tell you what to think. We just have the
13 facts.

14 What we have is a 29-year-old kid who's been
15 in jail for three years, who hasn't spent Thanksgiving
16 with his family in three years and may not ever again.
17 What we have is a kid who made a mistake that will
18 haunt him for the rest of his life. And you know
19 what? It should. Because, as dumb and young as Aaron
20 was when this all started, 24, 25, 26-year-old kid,
21 he's still responsible under the law and should be
22 held accountable. And I told you that at the
23 beginning, and I'll tell you that again now.

24 There was something else I said in opening
25 statement that's haunted me, and it's just haunted me

1 ever sense. And I want to clear something up. In
2 opening statement, I gave you a PowerPoint that went
3 through what people had said and what they had done
4 and what you would learn, and I made a mistake. I
5 told you something that's not true, and it's bugged me
6 for two and a half weeks, and I just want to start and
7 get this over with.

8 I told you that no Fentanyl pills were found
9 in the home when it was raided, and that's not true.
10 There was Fentanyl found there, and I apologize to
11 you, and I apologize to Aaron that I was so poorly
12 prepared that I didn't remember that fact when I gave
13 you the opening statement.

14 The government has gone through this
15 Indictment -- and, by the way, that's the picture of
16 the Fentanyl pills in the house -- and the Indictment
17 is articulated pretty well in the jury instructions,
18 and I think that the Indictment is really in Jury
19 Instruction 25. And I have a copy of it here, but the
20 jury instruction is actually better than the one I
21 have. And it goes through the 13 counts.

22 And, importantly, you've heard over and over
23 and over about this 13-count Indictment. And it
24 applied to most of the individuals except one or two,
25 and we'll talk about those. But it certainly applied

1 to Aaron Shamo. And it applied to him from years
2 back. And, members of the jury, he's facing these 13
3 counts. And you can read them there, and I think the
4 prosecution did a pretty good job of going through
5 what the elements are.

6 Importantly, as you can imagine, Count I, the
7 continuing criminal enterprise, Count VI, substances
8 resulting in death, are counts that we don't agree
9 with. I suppose, equally importantly, we do agree
10 that most of the other counts apply to Aaron, but I'm
11 not going to sit here and give you a checklist and
12 show you which boxes to check. You heard the evidence
13 and you know what the facts are, and you can go back
14 in the jury room and check the boxes as you see fit.

15 I'm not going to tell you which counts you
16 need to find guilty and which counts you don't because
17 you know the case as well as I do, and you can make
18 those decisions yourself.

19 But I want to explain some things to you, and
20 I want to start with this chart that nobody likes, but
21 we're just going to eat it. I'll call it the pyramid
22 that puts Aaron Shamo at the top. And a very
23 unfortunate thing happened in this case, and it was
24 unfortunate for you, and it was unfortunate for
25 everyone, most especially Aaron.

1 And that is that the government created this
2 chart with one little tweak several years ago. That
3 little tweak was that Luke Paz wasn't on it at the
4 beginning. And they decided that this was the Shamo
5 organization. And they decided right at the outset
6 that this was the Aaron Shamo drug trafficking
7 organization, and everything they have done in those
8 intervening almost three years was to further that
9 pyramid and those facts.

10 I want to talk about some of the people
11 involved in this. And this is my copy of the
12 Indictment, but, like I said, the Jury Instruction 25
13 is far better. I want to start with Drew Crandall
14 because there are some things that I think you need to
15 understand about the Indictment and what happened.

16 And importantly, if you look at this, this is
17 Drew Crandall's plea colloquy, what he plead guilty
18 to. And it was troubling to me when the prosecution
19 would get up with all these witnesses, and they always
20 said the same thing. They said: And you plead guilty
21 to every single thing you were charged with.

22 And that was technically true, but it's
23 equally misleading because every single thing Drew
24 Crandall was charged with is listed here on this front
25 page. He wasn't charged with all 13 counts. He was

1 charged with counts II, III and XIII. And who made
2 that decision? Not Drew Crandall. Not the judge.
3 They did. So, when they say he plead guilty to every
4 single thing he was charged with, he plead guilty to
5 every single thing they wanted him to plead guilty to.
6 Could they have indicted him on 13 counts? Of course.
7 Should they have indicted him on more than three? I
8 don't know. That's up for you to decide. Is it fair
9 that Drew Crandall pleads guilty to II, III and XIII
10 and Aaron Shamo sits here on I, II, III, IV, V, VI,
11 VII, through XIII, every single one? That's for you
12 to decide.

13 And the Judge has given you jury instructions
14 that tell you to be just and to be fair. So Drew
15 Crandall pleads guilty to Counts II, III, and XII,
16 conspiracy to distribute Fentanyl, conspiracy to
17 distribute Alprazolam and conspiracy to commit money
18 laundering. That's it. That's every single thing he
19 was charged with.

20 And if you look further down there -- and, by
21 the way, Drew Crandall is no dummy. Because the
22 government goes to Drew Crandall and says: Dude, do
23 you want to plead guilty to three, or do you want to
24 go to trial on 13?

25 And any idiot would take the former option,

1 wouldn't they? Aaron Shamo never had that option.
2 So, Drew Crandall says: Sign me up. Sign me up, and
3 I will plead guilty.

4 And if you look at these sentencing factors
5 here, they are horrible. One count alone carries
6 ten-years-to-life. One carries zero-to-five. One
7 carries zero-to-20, and there's a minimum mandatory
8 there. That poor kid. But he's got a deal with the
9 government. And it's spelled out in jury instruction
10 14. And that jury instruction says -- and that
11 applies to everybody -- that he's going to be called
12 to testify, and he has to testify truthfully. And
13 we'll talk about that in just a minute, too. And, in
14 exchange, the United States has asked the Court to
15 consider imposing sentences that would otherwise be
16 lower than that recommended if the co-defendant had
17 not agreed to testify.

18 And importantly, members of the jury, the
19 United States has also agreed to signal to the Court
20 that by testifying truthfully, the co-defendant should
21 not be subject to any minimum mandatory sentence
22 otherwise applicable to their crime. I'm looking at
23 the first full paragraph of Jury Instruction 14.

24 So he's not facing that. He's been in jail
25 now for two years and, I guess, three months. And

1 he's looking to come home, soon. And he's looking for
2 someone to go to his sentencing and say that he
3 testified truthfully. And I'm not going to go to the
4 sentencing and say anything other than that because
5 I'm not going to be responsible for that kid spending
6 the rest of his life in prison.

7 So, if anybody asked me, Drew Crandall told
8 the truth, but he told their truth. And if you look
9 at these plea statements, and if you go back in the
10 jury room, take a minute and look at all of them. The
11 government actually tells each of these kids what the
12 truth is. The government actual spells out to every
13 one of these kids what they did. This plea statement
14 was drafted by the government. It wasn't drafted by
15 Drew Crandall or his lawyers. And, if you look at it,
16 he makes a couple scribbles through it, but that's it.

17 You either sign or don't, Drew. Either come
18 here and testify to our truth, that we will write down
19 for you, or sit there and take your consequences,
20 which would be no deals on minimum mandatories. And
21 it would be facing incredibly serious charges that we
22 have talked about already, including Count I and VI,
23 the continuing criminal enterprise and causing the
24 death.

25 And every one of these kids has agreements in

1 here saying: We won't hit you with those. We won't
2 hit you with those.

3 And there's a very good reason for that. So
4 you look at this for Drew Crandall. And it says death
5 resulting from distribution. The United States agrees
6 not to charge the defendant with death-resulting
7 counts.

8 And Drew Crandall, who is smart, says: Sign
9 me up.

10 And he comes in here and tells the truth.
11 And it's the government's truth, but it's not the
12 truth because Drew Crandall was the third luckiest man
13 in the world -- and I'll get to second and first --
14 because he, in an effort to lie to his fiance, told
15 her: I'm getting out, and Aaron Shamo is buying me
16 out.

17 And that was the line they all played for
18 years. It wasn't true. But it was the only way Sasha
19 Grant was going to go tour the world with him. He
20 lied to her. He lied because she said: It's
21 either -- it's either this or me.

22 He said: Well, I'm out.

23 But it wasn't true. It was never true. He
24 was involved from the beginning. He was involved in
25 the middle, and he was involved in the end. And he

1 continued to draw income from this, and he can say,
2 well, it was just a buyout. But it wasn't. And Drew
3 Crandall is told that in part of his plea bargain,
4 that he's going to forfeit all this property. And you
5 look at the bottom of this, and you look at this
6 forfeiture, and this is horrible.

7 Currency, \$1.2 million. Well, that's the
8 money found in Aaron's dresser drawers. Oh, well,
9 there was \$19,520 United States currency poor Drew's
10 got to forfeit. No. That's the money Alex Tonge and
11 Ms. Bustin had at their house. Well, we're going to
12 take his \$429,600 in United States currency. No.
13 Actually that's the money Aaron Shamo gave his mom and
14 dad. What about 5.3 in Bitcoin? All seized from
15 Aaron Shamo's wallet. 671,000 in United States
16 currency. Luke Paz.

17 Luke Paz, number 1, because it took Luke Paz
18 a little while, after his fourth and fifth interviews
19 with the government, to finally pony up what he had
20 left over after three years, including another 134.9.
21 The 512 Bitcoins are part of what's up above there,
22 that are Aaron Shamo's. The 32 Bitcoins are Luke Paz.

23 Oh, but Drew's going to forfeit this truck,
24 it looks like. Actually that's Aaron Shamo's truck.
25 What about the B.M.W.? It's Aaron Shamo's. The 400

1 silver bars, all seized from Aaron Shamo's house.
2 Drew Crandall didn't give up anything, and he gained
3 everything. He's still got his girlfriend. She's
4 still hanging on because he's coming home soon. And,
5 if you recall, he's overseas, unemployed, by his own
6 definition, for at least three months and traveled in
7 six different countries during that time, but: Hey, I
8 didn't have much money.

9 And he learns of Aaron's plight, and what he
10 does is, he hides everything he's got, ditches his
11 Bitcoin, sells them off, throws his thumb drive into
12 the gutter in Singapore or wherever it was, and he and
13 his girlfriend hide out for two months. And they make
14 a decision that, well, if we haven't heard anything by
15 January 22, we're probably okay. Aaron is sitting in
16 jail. Poor guy.

17 Aaron who? We don't know anything about
18 that. Let's sit and -- let's lay low until January
19 and see what happens. So they do. January comes
20 around. 60 days. Nothing. Okay, let's get married.
21 Let's not go to Utah because there could be problems
22 there. Let's go to Hawaii. Let's pay for it with
23 money that we had from being involved in this
24 organization, and let's get out of the United States
25 and head back to Australia.

1 Well, the DEA was on top of that. They
2 hooked them up in May of 2017, and poor Drew Crandall
3 has been in custody ever since then. When he gets
4 out, who knows? He's got an agreement, however, that
5 he will testify truthfully and completely for the
6 United States if he's called upon, and he will wait to
7 be sentenced until all of the remaining defendants in
8 this case have been sentenced. He's going to be the
9 last one. In fact, when we go through these, you'll
10 see that everybody is going to be the last one because
11 it doesn't do any good to sentence him before he
12 testifies because then you don't -- you don't get to
13 tell him what to say then.

14 No, Drew, you have to show up in court. You
15 have to read your script. You have to cry when we
16 tell you to and then we will let you be sentenced to
17 how we want you to -- to what you want the sentence to
18 be. And he walks lock, stock with their theory of the
19 case.

20 Good for him. He told the truth. And he
21 deserves all the credit for that when he gets
22 sentenced. And I hope he doesn't spend another day in
23 jail because he told their truth exactly the way they
24 wanted him to. But it wasn't the truth.

25 Let's talk about poor Katie Bustin. What a

1 cute kid. Tear your heart out. Just tear your heart
2 out what happened to these two girls. And the
3 government would say: Well, it's all Aaron Shamo's
4 fault because they needed money, they went to Aaron.
5 And when they wanted to get out, what did they do?
6 They asked Aaron for more money. And they didn't get
7 out. Well, we needed some money for our mother. How
8 much of it went to her? None. Okay. And she pleads
9 guilty to every single thing she was charged with in
10 this 13-count Indictment. No plea bargains. No
11 nothing.

12 Katie, if you want to get out of sitting
13 here, you are going to plead to every single thing
14 we've got, which was Counts II, III, VIII, XII and
15 XIII of the superseding indictment. She got hit worse
16 than Drew. And she gets conspiracy to distribute
17 Fentanyl. The same thing with Alprazolam. Possession
18 of Fentanyl. Use of the mails and conspiracy to
19 commit money laundering.

20 And she says: Sign me up.

21 Because the government says: This is what
22 you're facing. This is what your consequences are.
23 If you don't play ball with us, you can sit here, and
24 then you can see some consequences, girl. Then you
25 can see where you're going to be for the rest of your

1 life.

2 Well, but I've got possible ten-years on
3 Count II and ten years on Count VIII.

4 Don't worry about that. You tell the truth,
5 and we'll get you out of those. And how much time has
6 she spent in jail so far? Not one day. In fact,
7 besides Drew, no one in this case has spent one day
8 except Aaron Shamo. And she's expecting she may not
9 have to spend another day. But that depends on her
10 telling the truth.

11 And so what they do was they say: Listen,
12 we're going to -- we're going to write up this plea
13 statement, and we're going to tell you what the truth
14 is, and we're going to draft it, and you can have your
15 attorney look it over. You can make some scribbles on
16 it -- but she doesn't -- but you're going to admit to
17 all of this. And that's the truth. We're going to
18 write down what the truth is, and you're going to sign
19 it, and you're going to come in here today and tell
20 the truth.

21 So, she told the truth, guys. She gets
22 credit. She gets all of that. Please don't hammer
23 her for not telling the truth because she did
24 everything she was asked to do by them, but it wasn't
25 the truth. Nobody forced her to do this. And it's

1 not true at all for any of these people, these kids to
2 say: Well, had I known, had I known, had I known.

3 People knew what they were doing. And she
4 agrees to forfeit the same things that Drew Crandall
5 did, with an exception. She agrees to forfeit a
6 million dollars. That's, of course, Aaron's.
7 \$19,520, that's hers. And that was a tremendous
8 amount of money for those two girls. They worked so
9 hard for that. They lost it all. The rest is
10 Aaron's.

11 Now, you will notice that her forfeiture is a
12 little shorter than the rest. And this document is
13 dated June 7 of 2018. The reason for that is that
14 when she entered this plea, they hadn't got Luke Paz
15 wrapped up yet. They hadn't got his money yet, so she
16 couldn't forfeit that because the government didn't
17 know about it. Luke was still hiding that money. He
18 was still lying to the government. They were still
19 buying it. So this is what she forfeited, and it
20 doesn't include any of Luke Paz's money because nobody
21 knew about it at that time.

22 And she's going to forfeit all these other
23 things. But she actually did have some skin in the
24 game. She did actually forfeit her share of this
25 \$19,000, and that was horrible. She lost her career,

1 although she seems to have bounced back, and she will
2 probably do okay.

3 She agrees, like everybody else, to testify
4 truthfully. The government has already written it up.
5 Kid, you don't have to work too hard on that. We have
6 told you what the truth is. Just read your plea
7 statement. Don't make any changes. Don't let your
8 attorney make any changes. Here's what you did, and
9 here's what you're responsible for. Here's what you
10 need to say when you come to Court.

11 And she did. And I don't blame her for one
12 second because she walked the walk that will
13 ultimately probably save her from spending a lot of
14 time in prison. She doesn't deserve to go to prison
15 for three minutes.

16 What about Alex Tonge, her friend? I think
17 they are now married. She -- I -- had a great
18 military career. She knew better. She was held, I
19 think, to a somewhat higher standard, and I say that
20 as a parent of a child in the military. You expect
21 them to live to a higher code. Her agreement is
22 word-for-word exactly like Ms. Bustin's and so I won't
23 spend a lot of time with it.

24 She pleads guilty to every single thing she
25 was charged with, which was Counts II, III, VIII, XII

1 and XIII of the Superseding Indictment. Not I, not
2 VI. Nobody wants to plead to those. And she's facing
3 a horrific prison sentence, but the government says:
4 Look, you can either do this or sit here, or you can
5 testify. And we're going to make it easy for you.
6 We're going to write down in this document what the
7 facts are, and you're going to sign it, and you're
8 going to come up here, and you're going to raise your
9 right hand, and you're going to talk to this jury, and
10 you're going to tell them exactly that.

11 And, by damn, I hope she doesn't go to
12 prison. I hope that they honor their agreement
13 because she did tell their truth, but she didn't tell
14 the truth. She didn't tell the truth about who
15 recruited her in this, Drew Crandall, who taught her
16 what she was doing, Drew Crandall. It wasn't until
17 others came in and testified what Drew was doing that
18 we learned all that. They are all about the Shamo
19 organization. I was part of the Shamo organization.

20 Do you think anybody called this the Shamo
21 organization until they named it that? Do you think
22 anybody thought this pyramid was accurate before the
23 government created it? Do you think any of these kids
24 thought anybody was in charge? Well, if you want to
25 stay out of prison, girl, you will walk our walk and

1 talk our talk, and you will support this pyramid here
2 with Aaron at the top and everybody else below. And,
3 based on that, you probably won't have to suffer the
4 same consequences as somebody else.

5 And she has the same forfeiture provisions
6 and the same agreement to testify, and she does a good
7 job. She does what they ask her to do. And I don't
8 blame her. I would do the same thing. She doesn't
9 want to go to prison. She's already lost a lot. She
10 lost her military career. She lost her job. She's a
11 sweet kid. She didn't deserve any of this.

12 Mario Noble, another cute kid. Just a child.
13 But he wants in on the action, too. The government
14 says: Okay, Mario, you're going to plead guilty to
15 every single thing you're charged with.

16 He goes: Sign me up.

17 Because he's only charged with two counts,
18 Counts II and III by the government of the 13-count
19 Indictment. Where do I sign? Where do I go? When
20 can I get to that Court and sign that agreement?

21 Well, we'll do that on May 14, Mario, and
22 you're going to admit to conspiracy to distribute
23 Fentanyl and conspiracy to distribute Alprazolam. I
24 have said that word so many times, I can't pronounce
25 it anymore. You're going to forfeit all this money,

1 1.2 million, 19,000. We already know where those came
2 from. You're going to forfeit 429,000 in currency
3 from Aaron Shamo's parents' house. You're going to
4 forfeit all these Bitcoins which you never had.

5 And what he had and what he earned, and what
6 he possessed in connection with this, he kept, every
7 penny of it. The government never came after him for
8 a nickel. The government never asked him to serve a
9 single minute in jail. But they did ask him to come
10 in here and tell you all the truth. They wrote it
11 down for him. They expected him to follow it, and he
12 did. He told their truth, but he didn't tell the
13 truth because the truth was that Mario Noble wanted in
14 on this bad, and he knew Aaron Shamo was vulnerable
15 and stupid.

16 Well, I want in. I want in, Aaron. I want
17 some money. And he's nickel and diming more and more
18 and more. Give me more. Set me up. See what we can
19 do. And then he comes in here and says: Well, had I
20 known.

21 You have got to be kidding me. The
22 government says: Well, even though you're facing some
23 bad sentencing, you come in here and tell the truth,
24 and we'll make sure that you don't have to do that.

25 And how many days has he spent in jail so

1 far? Zero. How many days do you think that kid
2 thinks he's going to spend? Zero. I hope he's right.
3 I hope they honor their word to him because he did
4 tell the truth as they wanted him to. He read the
5 script. He followed the rules that they asked him to
6 follow, and he did it like a good soldier.

7 Sean Gygi. What a cute kid he, is, too, just
8 a kid. And he comes in -- and this is the last time
9 that I'll say this -- and he plead to every single
10 thing he was charged with. And he plead guilty to
11 Counts II, III, VI and XII. That's it. That's what
12 he plead guilty to. And conspiracy to distribute
13 Fentanyl. And here -- he's facing some pretty serious
14 prison sentences as well. And his Indictment was
15 before the Superseding Indictment, so the numbers
16 don't line up exactly.

17 And he's facing a ten-year minimum mandatory
18 on one count, a five-year minimum mandatory on another
19 count. Zero-to-four on another count. Well, he
20 doesn't want to do that. He doesn't want to sit here
21 on XIII counts, including a continuing criminal
22 enterprise and a death-related count, does he? So he
23 goes to the government like a smart kid with a smart
24 lawyer and says: What do I need to do to avoid that?

25 And they say: Well, you need to come to

1 court and you need to testify.

2 What do you want me to say?

3 The truth.

4 Well, what is the truth?

5 We'll write it down for you.

6 And they do. They spell it out really well
7 in here. When you go back in the jury room, read
8 those statements over. Read what the government wrote
9 down. Read how it's phrased. Read how they
10 articulated everything in this. And virtually every
11 sentence begins with Shamo this and Shamo that and
12 Shamo this and Shamo that because the government was
13 asleep at the wheel as it relates to Drew Crandall and
14 Luke Paz because those kids were smart, and they hid
15 out, and they hid out as long as they could.

16 And as the investigation started going, the
17 government learned that this pyramid wasn't really
18 accurate. But by then it was too late. They had
19 already cut their deals. And this kid was left
20 hanging. He forfeits the exact same things, which is
21 zero out of his pocket. And he agrees to come and
22 testify, and he agrees to testify truthfully, and he
23 did. And he told their truth. But he didn't tell the
24 truth.

25 Sean Gygi was up to his ears in this thing by

1 his own design. And he can say, well, I was chased
2 and pursued by Aaron Shamo.

3 But that's just not true.

4 And I wanted to get out, but --

5 And that's just not true.

6 And, had I known, but --

7 That's not true. Sean Gygi, how many days in
8 jail has he spent in jail so far? Zero. What's his
9 prognosis? Who knows. I guess it depends on what
10 they say at his sentencing, but I hope they honor
11 their word because he did. And he followed their rule
12 and followed their truth, and he testified to their
13 truth, exactly.

14 I told you that Drew Crandall was the third
15 luckiest man in the world. Here are a couple of other
16 lucky kids, Ryan Jensen and Jessica Gleave. We have
17 heard about them. What did they get charged with?
18 Exactly nothing. They got a letter, a letter in the
19 mail called an immunity agreement, which states: If
20 you come in and you tell this jury what we want you to
21 say, you will never face charges, ever. And they were
22 only too quick to come in and sign up for that, and
23 they did. They both came in and told the government's
24 truth. And that's fine.

25 That makes sense. They were recruited. They

1 were just there in the Shamo organization. They
2 didn't know what was going on. Aaron Shamo pushed
3 them and cajoled them. He was aggressive, blah, blah,
4 blah. And, gee, all we got was money out of the
5 thing. It was all his fault.

6 The government says, in this agreement, that
7 as long as they come in and tell the truth, they won't
8 ever been prosecuted. The only way they can be
9 prosecuted is if they lie or if the government decides
10 to charge them with what they did. So they come in.
11 Hell, yes. When can I show up? When do you want me
12 there? What do you want me to say?

13 Well, we'll write it down for you.

14 And they do. And they were great. And I
15 hope that the government abides by their word to those
16 kids because neither one of those kids deserves to
17 spend three seconds in jail. I hope that they are
18 honest with those kids.

19 Here's the second luckiest man in the world,
20 Luke Paz. And he's not even part of the XIII-count
21 Indictment because he came in kind of late. He pleads
22 guilty to what they call a Felony Information, and he
23 pleads guilty to one -- Counts I, II, III and IV of
24 that, which was every single thing he was charged
25 with.

1 The government said: We're going to charge
2 you with four counts here, or you can come sit down
3 with Aaron Shamo at a trial in a couple months, and
4 we'll have you on 13 counts. This is dated December
5 10 of 2018 because dealing with Luke Paz was like
6 pulling teeth. And it required interview after
7 interview after interview. And the government showed
8 you a chart in its closing and said -- I wrote it
9 down -- at the time out of the take down, which I
10 guess is November 22, 2016 -- here's what everybody
11 had. It's a pie chart. And here's what everybody
12 had.

13 But that's not right because at the time of
14 the take down, Luke Paz was driving as far away as
15 possible. Nobody knew how much money he had. We do
16 know that, two and a half years later, he had that
17 money. Do you think for a minute that he just sat on
18 that for two and a half years? Do you think that pie
19 chart is even remotely accurate? At the time of the
20 take down, Drew Crandall had \$600,000? He probably
21 had twice that.

22 After five interviews with the government and
23 two and a half years later, he surrenders a lot of
24 money. He surrenders about 6 or \$700,000. He
25 surrenders a briefcase here. This is the money that

1 was in the briefcase. And then it sort of shows up a
2 little later with a little more money. Oops, I
3 forgot. After his attorney calls him on it.

4 And, you know, I was going to show you
5 something with him because I think it's really
6 interesting. They say to him: Yo, Luke, here's the
7 facts we need you to plead guilty to. We need you to
8 come in and testify against Aaron Shamo, your friend.
9 We'll tell you what the truth is, and here's what the
10 truth is.

11 He says: Okay. What is my truth?

12 Well, it's that you pressed approximately
13 480,000 fake Oxycodone pills.

14 Because that gets them to this magic number
15 they need for Aaron Shamo. And, in fact, if you look
16 at the Pharma-Master feedback, it's pretty close. The
17 total Oxycontin, fake Oxycontin, \$458,000. That's
18 right. Luke Paz pressed every one of those. They
19 continue to say Aaron Shamo, Aaron Shamo, Aaron Shamo.
20 But it was Luke Paz. He was the Fentanyl guy. He had
21 the formula. He ran the press. He did the pills. He
22 was Fentanyl.

23 Aaron, stay away from that. You're not smart
24 enough. You're going to mess it up. Stick with the
25 Zanax. Let me take care of this. Drew and I got this

1 deal down. We got it figured out. We know how to do
2 it. And don't let them fool you that Drew was out of
3 the picture before the Fentanyl started. Luke Paz
4 surrenders the same thing, except there are two lines
5 there, the 671,000, the 134,000 and the 32 Bitcoins
6 that he adds into the hopper for his percentage of the
7 forfeiture.

8 Luke Paz has not spent one minute in jail.
9 Luke Paz got married. He's not even expecting to go
10 to jail. He got married. He got a job in New York.
11 He's not even tied to Utah anymore.

12 Members of the government, how do I -- how do
13 I stay out?

14 Well, you need to come in and testify.

15 Well, to what?

16 To the truth.

17 Will you guys just tell me what the truth is,
18 and I'll do that.

19 Well, of course. That's exactly what we'll
20 do.

21 And that's exactly what they did.

22 I'll tell you the luckiest man in the world.
23 Chris Kenny. Right? Is there a luckier person than
24 Chris Kenny? He's not even on the -- he's not even on
25 the big three there, sort of off to the side. He's

1 the one that got them into the Fentanyl. He's the one
2 that told them to do it. He's the one that's trying
3 it out in the community. You need to make it a little
4 stronger. My people don't like it. This is a good
5 deal. You guys need to get into Fentanyl. Forget
6 these Adderall or whatever else you guys are selling,
7 you've got to go big or go home. I'm the guy. I can
8 get you going. Let's do it.

9 What does Chris Kenny get? What does he get
10 charged with? That's what he got charged with.
11 Nothing. He doesn't even get an immunity letter
12 because they don't even call him as a witness because
13 he would have embarrassed them. He's not going to
14 come within a hundred miles of this building.

15 The government says: Well, he was a player
16 here, and whatever, but, boy, Kenny, you better knock
17 it off or something, but next time, by damn, we're
18 coming after you.

19 He skated with nothing at all. I want to
20 shift gears for just a second and talk to you about
21 this death resulting thing that we talked about. And
22 we had some testimony from a doctor, this Dr. Hail
23 from Texas. She came in and testified that she --
24 that the Fentanyl was the but-for cause of the death.
25 No question. They even printed it up. They brought

1 her in, \$550 an hour, multiple government contracts,
2 always testifies for the government.

3 What do I need to say? Where do I need to
4 be? I love Utah, by the way, and when can I go hiking
5 for \$550 an hour?

6 And they say: All you need to do is say
7 but-for the Fentanyl, this wouldn't have happened.

8 Sign me up. Where do I go?

9 Right here. Just get up there.

10 It's interesting because what she says is
11 something really funny. She says, as she's talking
12 about -- she's drawing her diagram and telling you all
13 about the law, and she says, well, these medical
14 examiners in California they don't know what they are
15 doing. They are intellectually honest, but they're --
16 they are wrong. They are just flawed. They don't
17 know what they are doing. I do.

18 And she uses this weird analogy. She says,
19 do you remember the Wizard of Oz? Do you remember
20 this -- the part where they are sort of marching down
21 the yellow brick road and they walk through this
22 forest with poppies and they all get kind of goofy and
23 they pass out and fall asleep. That's really a cute
24 story.

25 But there's another cute story from that

1 movie that fits her to a T. Later on in that movie
2 they go to the land of Oz, and there's all kinds of
3 stuff going on, and they are trying to talk to the
4 Wizard, and the dog pulls the curtain aside, and they
5 are going: Hey, wait a minute.

6 And he says: Pay no attention to that man
7 behind the curtain. Pay no attention to that man
8 behind the curtain.

9 Because that's what Dr. Hail is telling you
10 all to do. Pay no attention to those doctors in
11 California. Pay no attention to the medical examiner
12 in California, to the man who put his hands on that
13 body, to the man who performed the autopsy, to the man
14 to drew the blood, who took the alcohol content. Pay
15 no attention to that because he doesn't know what he
16 is doing. He just deals with dead people. I deal
17 with live people, and I know what the facts are, and
18 Fentanyl killed this kid.

19 Well, here's the tox report. And what it
20 says is that this kid had all kinds of stuff in his
21 system. Blood/alcohol .19. And you've heard that, in
22 most states, the legal limit for operating a vehicle
23 is .08. In Utah it happens to now be .05. So she's
24 -- two or three or four times the legal limit.

25 She goes: Well, that's nothing. That's a

1 pin prick.

2 No, it's not. You go to any hospital in
3 America, and you say: I'm four times the legal limit.

4 They're not going to say: Well, have a nice
5 day. Please drive carefully.

6 They are going to say: Sit down. Check
7 yourself in.

8 He's also got cocaine derivatives in his
9 system. He's got the metabolite of cocaine. In other
10 words, he's used cocaine previously, maybe not too
11 distant past, and it's metabolizing into other things,
12 and it's in his system. He's got de-worming
13 medication in his system, and it's not even FDA
14 approved. It's something they mix with cocaine so
15 that you can buy a gram of cocaine and sell two grams.
16 Put some de-worming stuff in there and double your
17 profit.

18 And he's got Fentanyl in his system at a
19 level of 0.009. What's the significance of that?
20 Well, if you look down at the bottom, it says blood
21 Fentanyl. And the doctor says: Here are the
22 therapeutic limits, and here are the toxic limits for
23 Fentanyl. Therapeutic limits, effective level when
24 Fentanyl is actually working, is from 003 to 010,
25 which is exactly where this kid is. Dangerous, but

1 potentially toxic when you get above that.

2 Well, pay no attention to that chart. Pay no
3 attention to that man behind the curtain. I'm a great
4 doctor, and Fentanyl killed him.

5 Was It Aaron's? We don't know. Was it
6 Fentanyl that killed him? We don't know. But the
7 doctors in California all say the same thing. And
8 that is multiple drug intoxication. This is the
9 pathology report. Multiple drug intoxication.

10 Pay no attention to that, members of the
11 jury, I'm a doctor from Texas, and I deal with these
12 things all the time, and these guys in California they
13 are great. I really like them, but they don't know
14 what they are doing. They don't know what they are
15 talking about. That pathologist that's done -- what
16 did he say, a thousand, 10,000 autopsies -- he doesn't
17 know what he's doing. Pay no attention to that man.

18 The verdict of the coroner, multiple drug
19 intoxication.

20 MR. GADD: Your Honor, at this time I have
21 to object. This is not an exhibit.

22 THE COURT: Pardon me?

23 MR. SKORDAS: Neither was his pie chart.

24 MR. GADD: This is not an exhibit and --

25 THE COURT: This is not an exhibit. You

1 can't use it if it's not an exhibit.

2 MR. SKORDAS: Okay. It's just what she
3 testified to, that she reviewed this report.

4 THE COURT: You can argue that.

5 MR. SKORDAS: Okay. She told you that she
6 saw those two documents, and she told you what they
7 said. We redacted portions of them, and I apologize.
8 That's exactly what she said.

9 He also misused the drug, whatever it was,
10 the Fentanyl. Does that play into this at all? I
11 mean, do you take a cold medication by grinding it up
12 with a battery and then huffing it through your nose?
13 And if you did and you had a bad reaction, whose fault
14 would that be?

15 His roommate's girlfriend, Tori Grace, said
16 he was taking anything he could get his hands on. And
17 he took the drugs that night and said: Prop me up
18 into a nice position so I don't throw myself up during
19 the night, and come check on me once in awhile.

20 That's what he does. Poor kid. And they
21 come in here and say: Well, Aaron Shamo killed him.

22 Well, no, he didn't. No, he didn't. Aaron
23 Shamo is not responsible for that kid's death. And to
24 say otherwise is misunderstanding the evidence in this
25 case and misunderstanding the medical testimony that

1 you heard and believing one doctor who comes in here
2 and says: Pay no attention to that man behind the
3 curtain because I am the doctor, and I am the one that
4 knows it all, and those folks in California don't.

5 Are you supposed to take any medication
6 through a straw through your nose? And, if you do, do
7 you expect maybe a side effect? Cocaine, de-worming
8 medication, Fentanyl. Is there any responsibility
9 here, or is it just what we do these days in America
10 which is, any time somebody is hurt, somebody needs to
11 pay for it. It's always somebody else's fault. It's
12 always somebody's fault. Somebody has got to pay.
13 And we choose Aaron Shamo. He is the top of our
14 pyramid. We're kind of stuck with that.

15 Let's talk about Aaron for a minute. You
16 have heard him described in all kinds of words by some
17 of his own co-conspirators and by the government's
18 agents as a moron, as too stupid to do this. And I
19 don't mean to be demeaning to Aaron, but part of
20 that's true. You saw him on the stand. Barely got
21 out of high school. At the time this was all
22 occurring, he's 25, 26 years old. He can't even cut
23 it in college.

24 He's going to a good school in Orem, Utah
25 Valley University, and he drops out. He's not doing

1 anything right. But he's got these friends, and he's
2 trying to be popular, and they're older guys, and they
3 are smarter guys, and they're really good guys, and
4 they are saying: Aaron, let's play. Let's make some
5 money. Let's do some things.

6 And the government describes him as a
7 principal, administrator, organizer, leader. He's a
8 follower. He's a pleaser. He's a gladhandler. He's a
9 yes man, and he'll do anything these kids tell him to
10 do because he wants to be friends. And suddenly he's
11 got a little business going with these guys, and he's
12 making more friends, which is something he's never
13 had. And they are all telling him what to do and
14 where to go and where to sign up and whose name to
15 use.

16 And who takes all the risk in this? Aaron
17 Shamo. And who's traveling around the country with no
18 risk, no responsibility, nothing at all? Drew
19 Crandall. And who's hiding? Who runs away for two
20 years? Luke Paz. And they say: Well, Aaron Shamo is
21 the principal, administrator, organizer, leader.
22 That's just not true. He's the fool. He's the one
23 that was conned the most, and when the chips started
24 falling down, everybody piled on him as fast as they
25 could because he had been set up so beautifully by

1 everybody on that chart, even on the second row, even
2 on the third row.

3 They all set him up perfectly because when it
4 falls, they are all out of it. But Aaron is doing
5 this in his basement, sitting down there in his
6 shorts, wearing his gloves and his mask when the
7 police come, down there pressing Zanax, because Luke
8 and Drew won't let him touch the Fentanyl. He comes
9 upstairs, probably covered with drugs and stuff, and
10 the rest is history. He's been sitting in jail ever
11 since.

12 He's got a million dollars in his dresser
13 drawer. He doesn't even know what to do with it. Is
14 it Luke's money? Is it Drew's money? Am I supposed
15 to give it to this person, am I supposed to give it to
16 that person? He doesn't know what to do.

17 And the government is, like, well, he bought
18 some big things.

19 Like what? A six-year-old B.M.W.? A used
20 truck? A half interest in a boat? He bought some
21 designer Jeans once, and he felt like hell afterwards.

22 Does that sound like the principal,
23 administrator, organizer or leader of a major drug
24 operation, or does it sound like the fool that
25 everyone played him for and the fall guy that the

1 government has decided needs to take a fall, while
2 everyone else walks?

3 And the money just keeps coming. The money
4 he gives to his parents because he's, like, I don't
5 know, I guess I got to do something some day. And
6 he's the -- he's the dummy that buys all the stuff on
7 Amazon in his own name. The tablet press, Aaron
8 Shamo. Postage stamps, Aaron Shamo. Shipping
9 products, Aaron Shamo. Western Union money transfer
10 in the name of Aaron Shamo. Mini rotary tablet press
11 machine in the name of Aaron Shamo.

12 Why? Because these other guys are too damn
13 smart. I ain't buying no tablet machine, Aaron, you
14 buy it. You buy it. And they go through, and PayPal,
15 he does it in his own name. And they go through all
16 these eBay items. Look at that. Aaron is buying it
17 all in his own name.

18 And why are there two addresses here?
19 Because when he started in 2015, he lived on Murphy
20 Lane. He's not even smart enough to have it delivered
21 to another house.

22 You go, Aaron. Get us a pill press.

23 Well, what do I do?

24 Just go buy one. We'll take care of it
25 later. You're the dummy. You're the moron. Just

1 keep my name out of it, Aaron.

2 And he does. Come on, guys, let's be
3 friends. What are we doing? Let's play. Let's go.
4 And they convince him, and he believes it, that he's
5 actually doing some good, that there are people all
6 over the country that can't afford their pain
7 medication that are in pain, and he convinces himself
8 through these wizards that he's helping make the world
9 a better place, and he's got other people, and these
10 guys are employing other people, and they are getting
11 jobs, they are helping people out, and they are
12 supplying drugs to people that can't get them
13 otherwise. He thinks he's doing something good.

14 Boy did he get hit in the face when he went
15 to jail. That was a good thing for him. It was great
16 that Aaron went to jail. He deserved to go to jail.
17 He deserved to sit there and watch some guy defecate
18 next to him while he was withdrawing from heroin, so
19 he could see what he did. And he's the only one who
20 has ever said to you all how that made him feel or how
21 sorry he is.

22 He deserved to sit there and watch addicts
23 recover because then he looks at it from another side,
24 and he looks at it and says: Well, maybe I wasn't
25 doing all that good. Maybe what I was doing was bad.

1 Maybe what I was doing was hurting people.

2 And he needs to sit next to those people, and
3 he did. And it was good for him. It was very good
4 for him. I mean, he's had three years of misery that
5 he deserved. And it's just too bad that none of these
6 other kids ever got to see that because then maybe
7 they would understand what they did. But the
8 government won't let them because they want Aaron so
9 badly. They want him so badly that they are willing
10 to turn everybody the deal of the century just to get
11 this dumb kid. And that's what they did.

12 Here's his Bitcoin. It wasn't hard to trace.
13 The government went and got these. It was like
14 nothing. Aaron surrendered them all. They got all
15 their Bitcoins. They got everything. And they were
16 even able to sell high. Then were even able to sell
17 high. He surrendered them all. They made \$5 million.
18 Thanks, Aaron. Good job. Hope you enjoy prison.

19 And when Aaron, being the ultimate fool that
20 he is, has to make money transfers to these guys, he
21 walks into a bank with a camera and they have a
22 picture of him. He doesn't send somebody else. He's
23 the pawn. He's the fool. And he got played like no
24 other.

25 There have been times during this trial when

1 we have sort of sat over here and maybe smiled or
2 grinned at each other, and I hope that none of you
3 felt that that was disrespectful, but the only other
4 thing you can do when you sit next to Aaron Shamo is
5 cry. The only thing you can ever do when you talk to
6 Aaron Shamo is cry. So, to the extent that we tried
7 to bring the kid a little levity, I apologize. It's
8 not that we're not taking this seriously.

9 But you can't talk to Aaron on the phone or
10 visit him in the jail. You can't look his parents in
11 the eye without crying.

12 The government -- or the Judge, I should say,
13 has given you a number of jury instructions, and I
14 won't belabor those because you are the jury, and
15 you're charged with doing the right thing. And
16 importantly, you're charged with making a decision
17 here, and no one has a right to show you which box to
18 check. That's for you to decide.

19 The Judge has instructed you in Instruction
20 Number 23 that what the verdict shall be is the sole
21 and exclusive duty and responsibility of the jury. No
22 one else. And you know what else is beautiful about
23 this country? That is that no one can second guess
24 you. You don't have to answer for your decision. You
25 don't have to justify your decision. You can walk out

1 of the courtroom after you find Aaron guilty or not
2 guilty and hold your head high and know that whatever
3 your decision is, we may not agree with it, they may
4 not agree with it, no one else may agree with it, but
5 because you are the law, you make that decision. And
6 we will not second guess that.

7 But we're asking you, as members of the jury,
8 to be fair, to treat Aaron Shamo fairly, to recognize
9 honestly his role in this and to punish him honestly
10 for his role in this, and to look at what others have
11 done, and to look at what others have suffered and
12 punish Aaron Shamo accordingly and fairly.

13 Jury Instruction 51, sort of the same thing.
14 You're deliberations will be secret. You will never
15 have to explain your verdict to anyone. Nor should
16 you. I mean, that's the American way. It's a great
17 role you have. It's great position that you are
18 sitting in that I'll never sit in probably just
19 because I'm a lawyer. We don't get invited too often.

20 I sat on that a side of the courtroom for
21 eight years, and I've sat on this a side of the
22 courtroom for 30 years. I'll never sit up there
23 because I'm too stupid, and I'll never sit there
24 because I've done too many trials, I guess. But I
25 think it's a beautiful thing that you all get to do,

1 and it's a wonderful calling that you have, and the
2 Judge has given you instructions on how to further
3 that calling.

4 And I hope that you'll go back and read those
5 closely, and I hope that you'll go into your hearts
6 and consider the evidence that you heard and render a
7 verdict that is fair, a verdict that is consistent
8 with everything you've heard for two and a half weeks
9 and that does justice to Aaron Shamo. And I hope you
10 find him guilty of some of these counts, I really do,
11 because he should be, but I hope that you'll look hard
12 on the ones that he's not guilty of, and I hope that
13 you'll make the right decision.

14 THE COURT: Thank you, Mr. Skordas.

15 Mr. Gadd, rebuttal?

16 MR. GADD: Yes, sir. This will take me just
17 a moment. Ten or 15 years ago, I wouldn't have to say
18 what I'm now going to say. The nature of civil
19 discourse in our country has hit a point where you
20 almost expect kind of a tit for tat, talking heads
21 taking turns, giving and taking offense. So, let me
22 say very clearly, I have taken no offense to what
23 you've just heard, the parts about us coaching
24 witnesses, the parts about us fabricating evidence. I
25 take no offense. Responding to it would remove us

1 from talking about the high and almost holy reason
2 that you have been brought here.

3 We're here in remembrance of a man who died
4 and died a terrible death. We are here because a man
5 led an organization that sold hundreds of thousands of
6 Fentanyl pills all over the United States, pills that
7 were poison. They were poison. And he sold it to
8 people who wanted it. They were addicts. Their
9 brains were changed. They needed it. They would do
10 anything for it. And you saw what happened to Russ.

11 Now, I will say some nice things about
12 Mr. Skordas. I admire him a great deal. I do. I
13 like working cases with him. I do. I admire that
14 he's willing to take a hard case. Not everyone is.
15 He was not given much to work with in this case, and I
16 admire him for taking it. But let's be abundantly
17 clear. None of what you heard about coaching
18 witnesses or telling them what the truth is or even
19 having our truth or arriving at facts before an
20 investigation is done, there is not one shred of truth
21 in that. Not one.

22 You saw these witnesses. You heard from
23 them. You think -- pick one. Mario Noble. You saw
24 his plea deal. When did he start telling the truth?
25 November 22, 2016, long before he ever met an

1 attorney, let alone a prosecutor, long before he had
2 ever pleaded guilty. That's when he started telling
3 the truth. You run through the list. Ms. Tonge,
4 Ms. Bustin, when did they start telling the truth?
5 When did they decide to try to take responsibility?
6 November 22, 2016.

7 There was no deal. There was no promise.
8 Even now, they are not the promises that you heard.
9 They told the truth. How do you know it's the truth,
10 not some truth, not this truth-is-relative business,
11 but real truth? How do you know? I suggest you do
12 what you heard Special Agent Dan Ashment talk about.
13 He was our last witness, if you recall. He used a
14 phrase. He said "trust but verify." And what that
15 means for him is when someone says something to him
16 like: I have a Bitcoin wallet.

17 He says: Okay.

18 But he's got to verify it. He says: Could
19 you show me your wallet?

20 And then they pull out their phone and they
21 open the app, and they show him those wallets, and now
22 he's verified it.

23 And they say: This Bitcoin came from Aaron
24 Shamo.

25 And what does he do? He goes to the

1 blockchain, and he sees the Bitcoin come from Aaron
2 Shamo's wallet. And how does he know it's Aaron
3 Shamo's wallet? Because he has dug through Aaron
4 Shamo's electronics because he found the wallets, he
5 and the other agents with him.

6 Did Mr. Shamo hand any of those over? No.
7 Not a single one. Did it take over a thousand
8 man-hours of searching and digging before they
9 identified Mr. Shamo's Bitcoin? Yes. Yes, it did.

10 What you saw from these law enforcement
11 agents was dedication to a cause greater than
12 themselves, and they were willing to put in the time
13 to do it. Let's talk about number 1. Trust. You may
14 recall from this morning an instruction about
15 assessing the credibility of co-defendant witnesses.
16 I'm not sure, but I'm going to guess you heard enough
17 instructions this morning you may not remember number
18 5. Number 5 is your duty. Number 5 says you are here
19 to decide whether the United States has proved, beyond
20 a reasonable doubt, that the defendant is guilty of
21 the crimes charged. That's your purpose.

22 You read the third sentence in this
23 instruction, and you see that you're not supposed to
24 be concerned with the guilt of any other person not on
25 trial. What does that mean? That means people like

1 Chris Kenny, who is not the luckiest person in the
2 world. It means people like Luke Paz. It means
3 people like Drew Crandall. And yet, you've heard so
4 much about it now, in the opening, now in the closing,
5 the comparisons that they would like you to draw
6 between charges.

7 How do you reconcile it? Your duty is clear.
8 You have been asked to consider things outside your
9 duty. How do you reconcile it? And my response is,
10 first, please don't read one instruction in a vacuum.
11 So, at a minimum, you'll move on, right? Instruction
12 6 says if you find the different guilty, it will be
13 Judge Kimball's duty to decide what the punishment
14 will be.

15 And then, if look at Instruction 7, it
16 mirrors a lot of Instruction 5, talking about our role
17 here. Our role here is to decide if the facts, the
18 things you heard from the witness stand, the evidence,
19 if it proves Mr. Shamo is guilty. But you heard all
20 this stuff about making the comparisons. And what
21 specifically did Mr. Skordas say? He wants you to
22 punish Aaron Shamo fairly. He wants you to punish
23 him.

24 We are getting a little bit ahead of
25 ourselves. He's still presumed innocent until you

1 find otherwise. So here's how it works. A defendant
2 is charged. They are charged by a Grand Jury. Once
3 they are charged by a Grand Jury, they get on a train,
4 and the train is headed for a jury trial like this.
5 But there's another way off the train, and it's when
6 they plead guilty. It gets them off the train.

7 If they ride the train out to the jury trial,
8 a jury from their community decides if they are guilty
9 or if they should be acquitted, but the train stops
10 here. If the defendant is found guilty or for his
11 co-defendants who pleaded guilty, they hop on the next
12 train, sentencing. No one gets punished until their
13 sentencing. That is the American way.

14 Could you imagine if it were otherwise, if we
15 punished people before their conviction? Our Founding
16 Fathers set up a system where punishment comes at
17 sentencing, and yet they want you to punish Aaron
18 Shamo fairly. You see here, it's not my role, and
19 it's not your role. It's Judge Kimball's. He gets to
20 choose the punishment, and he does it at sentencing.

21 It is impossible. What they have asked you
22 to do is impossible. You cannot punish Aaron Shamo.
23 Punishment belongs to the Judge and the Judge alone.

24 Now maybe you're wondering about this whole
25 business about him being in custody and Drew Crandall

1 is in custody and the others are not, but you heard
2 from the witnesses. They explained this. You heard
3 from Drew Crandall. He said: No, I don't want to be
4 in custody, but a Federal Judge decided I was a flight
5 risk and a danger to the community and he held me in
6 custody.

7 And you heard from Luke Paz, who said: A
8 Judge made a decision.

9 And they pressed him. They said: No. No.
10 The prosecutors made the decision.

11 And he said: No. A Judge made a decision.

12 And that's why he's out. Make no mistake.
13 His punishment is coming. Not many days from now,
14 Luke Paz will stand right there, and he will look at
15 Judge Kimball and find out how many years he is going
16 to spend in prison. Not many days from now, Drew
17 Crandall will come out that door, and he will stand
18 right here, and he will look at Judge Kimball, and he
19 will find out how many years he is going to spend in
20 prison.

21 And what's our agreement? You've seen it,
22 but perhaps you didn't notice because they weren't on
23 the defendant's slides, the exhibit sticker. Whose
24 exhibit is it? It's the United States' exhibit. Who
25 put this in evidence? The United States. Who first

1 brought it to your attention? The United States. We
2 have nothing to hide. We have given this to you. You
3 can read it. I suggest you read it just like
4 Mr. Skordas suggested, and set aside your disbelief
5 for a moment and ask yourself this.

6 If a co-defendant really wanted to take
7 responsibility, if they really wanted to do the right
8 thing, what would their plea agreement look like?
9 Would it be one of these agreements where, you know,
10 if you plead to one count, we'll dismiss seven or
11 eight others. Would it look like that, or would they
12 plead as charged? Would they come in and take full
13 responsibility?

14 And you heard Mr. Skordas talking about how
15 none of them were charged with Russ' death. Many
16 of them plead guilty before the investigation was
17 done. Is that unfair? No. And here's why. Every
18 single agreement contains this clause. You'll see it
19 in there, in paragraph 12. They all say the same
20 thing. It's called relevant conduct. Here's what it
21 means. Here's what it says:

22 I understand and agree that the presentence
23 report may include descriptions of conduct I engaged
24 in which either was not charged against me, will not
25 be pleaded to by me, or both. And I understand and

1 agree that the Court may take these facts into
2 consideration at sentencing.

3 What does that mean? That means Luke Paz,
4 Drew Crandall, Alex Tonge, Katie Bustin, Mario Noble,
5 Sean Gygi, every single one of them will be punished
6 for Russ's death. That's what that means. No one is
7 getting out from under this, no one. Your role here
8 is to decide if the evidence shows that Mr. Shamo
9 played his part, beyond a reasonable doubt.

10 Was it possible that these early defendants,
11 the ones who came in relatively early and pleaded
12 guilty -- I just saw Mario Noble's plea agreement on
13 May, 2017. Was it possible that someone could plead
14 guilty early on, get sentenced right away and then
15 avoid punishment for something like Russ's death?
16 Yeah. It's possible.

17 So the other thing you're going to see in
18 here is every single one of those co-defendants was
19 required to wait 'til the end to be sentenced because
20 that's fair. They will face Judge Kimball. They will
21 answer to him for what they have done. What's our
22 agreement? Our agreement is, if you really want to
23 take responsibility, you have to come in here and
24 testify truthfully. And then what happens? Then we
25 tell Judge Kimball what he already knows. He has been

1 in the entire trial. We tell him everything the
2 co-defendants did wrong. We hold nothing back.

3 And then we tell them -- we tell Judge
4 Kimball what they tried to do to help themselves, what
5 they tried to do to make it right; things like Sean
6 Gygi, who, after a very long night, came to himself,
7 called the DEA agents, told them he was involved as
8 the almost daily runner for Mr. Shamo's organization,
9 agreed to put on a body wire and record a
10 conversation, agreed to take him along as he picked up
11 pills.

12 That was his way of trying to make things
13 right. But Judge Kimball has already heard all of
14 that. We have agreed to tell him what he already
15 knows. And then we have followed what it says in
16 Instruction 6. We are taking these defendants and
17 handing them to Judge Kimball and saying: The
18 sentence is yours. Punishment is yours. And we'll
19 live with your decision.

20 No one is getting off. Let's move away from
21 this. In the normal case, I stand up here and I talk
22 about facts because that's your role. You're here to
23 be judges, judges of the facts and to decide how they
24 apply to the defendant. But we he needed to go
25 through that to clarify some things you have heard.

1 Let's talk about but-for causation, number 2
2 there. Dr. Stacey Hail was abundantly clear. Russ
3 would not have died but for the Fentanyl. You heard
4 from the toxicologist, Bill Posey. He analyzes blood
5 not just from deceased people but from living people.
6 We said to him: What is the highest blood/alcohol
7 content you have seen in someone who is alive? It was
8 more than double what Russ was at.

9 Same question for Dr. Hail: Dr. Hail, You
10 work in an emergency room. You treat living people.
11 What's the highest blood/alcohol content you've seen?

12 And she said: In my patient, he was actually
13 coming down. He was detoxing. He was at .53, more
14 than two and a half times where Russ was at.

15 Was Russ safe to drive an automobile? No.
16 Was a .19 going to kill him? No. Never. And
17 Dr. Hail made that clear. She went through the same
18 thing that Mr. Skordas just had you look at. She said
19 neither the cocaine nor the metabolites nor the
20 levamisole, the worm agent, contributed to his death.
21 Then she emphasized they did not cause or contribute
22 to his death.

23 She talked specifically about multiple or
24 mixed drug intoxication. Let me read word-for-word
25 what she said. I think you'll remember it once I read

1 it. "In this circumstance the medical examiner called
2 the cause of death mixed drug intoxication, and I find
3 that to be a very intellectually honest cause of
4 death. I believe that medical examiners should say
5 that and list out all the drugs that are found
6 postmortem because, number 1, they may not necessarily
7 know all of the evidence and all of the perimortem
8 circumstances."

9 That word "perimortem circumstances" is very
10 important because that's what paints the picture of
11 the toxidromes. And you remember toxidromes,
12 specifically the opioid toxidrome. You know how it
13 looks. Someone ingests the opioid. They go to sleep,
14 and they never wake up. Their body, when the
15 respiration shuts down, is starving for oxygen, and
16 it -- and it convulses trying to get oxygen back to
17 the brain, and the breathing it's called agonal
18 breathing. You remember this term. It sounds like
19 loud snoring, but the agonal breathing is very
20 ineffective and death soon sets in. That's what she
21 said.

22 And remember Tori Grace, perhaps the bravest
23 witness who came before you. You remember what she
24 said. She talked about watching Russ ingest the
25 pills, about being worried, about his request that

1 they check on him, about how she and her boyfriend
2 Greg checked on him several times that night. The
3 last time they went in, you recall, they rolled him
4 into the recovery position.

5 And I asked her: Did you notice anything
6 about his breathing?

7 And she said: He was breathing fine.

8 How do you know?

9 She said: I could hear him snoring.

10 Well, that was agonal breathing. He was dead
11 hours later. And what killed him? It was the
12 defendant's Fentanyl. How can you know beyond a
13 reasonable doubt? First, pretty good analogy, one of
14 those statements that will stick out. I hope at some
15 point in your life you're able to forget it. But
16 Dr. Hail made this analogy. She said, "The Fentanyl
17 was like a shotgun wound to the heart and the alcohol
18 a pin prick."

19 That's how you know it's beyond a reasonable
20 doubt. How do you know it came from the defendant?
21 Evidence. What's truth? What have they -- what's
22 relative truth? This is not relative truth, this is
23 evidence. This is a 30-year police officer who goes
24 to the scene of an overdose -- imagine how chaotic it
25 is -- but has the presence of mind to take out a

1 camera and document. And she takes a picture of
2 garbage. This is in the garbage. And it ends up
3 being the piece of evidence that ties the defendant to
4 his crime.

5 What can you tell from this picture? You can
6 tell it's a priority mail envelope. You can tell it
7 came from Utah. At the time Ms. Tonge and Bustin
8 testified that this is how they were addressing their
9 envelopes. They hadn't yet started using that Get
10 U.S.P.S. where they print out the entire shipping
11 label, so they are printing these individual labels
12 and slapping them on.

13 What else do you know about it? You know
14 it's a false return address. They even got the ZIP
15 code wrong. You can see the stamp at the top. That's
16 one of those \$6.45 stamps that includes tracking. Was
17 this package tracked? Yes, it was. You have seen the
18 tracking. You know that it arrived at his house at
19 3:00 o'clock on June 11. And then, maybe most
20 importantly, you see the name there who it's to.
21 Gregg Lee. And you notice that it's written in all
22 caps. And it doesn't just have a ZIP code, but it has
23 a plus four.

24 And then perhaps you remember, when we were
25 talking with Mr. Noble, although it was late in the

1 day, that Mr. Noble, when he was learning customer
2 service, had to ask Mr. Shamo questions because
3 Mr. Shamo was his boss. And he said: How do we want
4 to handle return to sender?

5 And Mr. Shamo said: If it's a bulk customer,
6 maybe we'll reship because we want to keep them happy,
7 but for most people, it's their fault because we don't
8 change the address they give us.

9 You remember this? It's in his telegram
10 messages. We just copy and paste it. So it's unique
11 that it's an all caps. And Mr. Shamo says: We just
12 copy and paste it. So what would you expect from the
13 order form? All caps and a plus four ZIP code. Those
14 were Mr. Shamo's pills that killed him.

15 Let's take a minute and talk about this next
16 idea. You talk about Mr. Shamo being a leader.
17 Special Agent Jeff Ryan. Twenty-nine years in the
18 Drug Enforcement Administration. He has worked drug
19 trafficking organizations and their cases on two
20 different continents. He's worked from the largest of
21 the cartels to the smallest of the pill operations.
22 He talked to you about how every organization is
23 different. He made some analogies you might remember.

24 He compared the large organizations to, like,
25 Amazon and then a small organization to, like, a dad

1 who hires his son and his son's friends to have a
2 landscaping company. There are some things they both
3 have in common. They each have a principal leader.
4 It might be called, like, a CEO or a president, but
5 they have a principal leader, an organizer, an
6 administrator. No matter how big the company gets,
7 there will always be that principal leader.

8 And while we are on this point, it's always
9 this way that you hear the facts first and then you
10 get to read the law at the end. But for two and a
11 half weeks, I've wanted to tell you, he doesn't have
12 to be the only one. Was that a shock for you to learn
13 when you saw today that he doesn't have to be the only
14 principal leader, organizer or administrator? He only
15 has to be one of possibly several. That's what the
16 law says.

17 And as long as we're talking about the law,
18 did you notice that there's a word nowhere in these
19 instructions that you heard a lot at trial? It's a
20 Hollywood term. It's kingpin. He was never charged
21 with being a kingpin. He's charged with engaging in a
22 continuing criminal enterprise. You won't find that
23 word anywhere in the statute. You can be a principal
24 leader of an organization with six people. You can be
25 that dad who hires the son and the son's friend to do

1 landscaping, and you're a principal leader. Or you
2 can be Jeff Bezos. You can run Amazon. Still a
3 principal leader.

4 Now, as organizations grow, Amazon, you get
5 a middle management, right? Your workplaces are
6 probably this way. Ours is. And a middle manager can
7 also engage in a continuing criminal enterprise. You
8 think about the counts, right? They have to supervise
9 five people. They have to make substantial income.
10 They have to be engaged in a series of three
11 transactions. So, as an organization grows, you can
12 get that middle there.

13 But, no matter the size of the organization,
14 as long as there's a leader and five subordinates,
15 that leader can be guilty of engaging in a continuing
16 criminal enterprise. And Mr. Shamo didn't just have
17 five, right? You see it on the screen. He had 20.

18 If you think Mr. Crandall was -- had -- you
19 know, especially in 2015 when he said junior partner,
20 if you think he was a principal leader or an
21 organizer. He helped recruit some people. He trained
22 his replacements. If you think that, Mr. Shamo is
23 still guilty. And, as we discussed before,
24 Mr. Crandall will be punished for his role in the
25 organization, for the fact that he recruited, for the

1 fact that he trained.

2 If you think maybe Mr. Paz assumed that
3 junior partner role -- there is no evidence of it,
4 right? No testimony. No evidence that he recruited
5 anyone. No evidence that he directed anyone on what
6 to do. But he did have substantial income, didn't he?
7 If you think, for some reason, he's part of the
8 leadership core, Mr. Shamo is still guilty. And make
9 no mistake, Mr. Paz will be punished for his
10 substantial income, for every pill he pressed.

11 It's almost as if you were to mix the worst
12 qualities of those two men, Mr. Crandall with his
13 recruiting, Mr. Paz with his substantial income, if
14 you could put those two together, that's another CCE
15 defendant. But regardless, together or separate,
16 Mr. Shamo is still one of the principal leaders,
17 organizers and administrators.

18 Mr. Shamo admitted they were his employees.
19 When he was on the stand he was asked: So your
20 employees got annoyed that you were gone so often,
21 didn't they?

22 And this was in the context of his frequent
23 trips to Las Vegas. And his employees got annoyed.
24 And he agreed. He said: Yeah. I mean, there was
25 always groaning in a lot of places, yeah.

1 Have you ever had a boss like that, didn't
2 want any complaints? That's the kind of boss he was.
3 What's the best way to know that he's a boss, that he
4 is a principal leader, organizer or administrator?
5 Take him at his own word. Follow the money. You saw
6 the charts. Apparently, if you can believe what was
7 said, they forced him to have all that money. That
8 sounds like a pretty good gig. All these people
9 ganged up and they shoved that money into his parents'
10 closet, and they shoved that money into his safe, and
11 they shoved that money into his sock drawer, and he
12 just wasn't smart enough to stop them.

13 Have you ever had a boss, when things went
14 wrong, blamed everyone around him, blame his
15 employees? I have bosses in the room, so I can't
16 comment. But maybe you have had that. Maybe you know
17 someone who's had that. What did Mr. Shamo do on the
18 stand? Did he blame Ms. Noriega? It was her fault.
19 She needed money. He was just trying to help her out.

20 Did he blame Mr. Kenny? This guy at the gym,
21 he is the one who put this idea into my head. If it
22 wouldn't have been for him, we never would have gone
23 for it.

24 Did he blame Mr. Noble? He wanted to be
25 involved. He was asking for it.

1 Did he blame Mr. Paz? If he wouldn't have
2 been so lazy and shown up late, I wouldn't be the only
3 one wearing this hat, whatever that means.

4 Did he blame Mr. Crandall? Well, if he
5 wouldn't have figured out how to run that pill press.
6 He's such a brainiac, he failed out of college, but if
7 he wouldn't have figured that out, we never would have
8 been in this mess.

9 Did he blame Ms. Tonge and Ms. Bustin? It
10 was their fault. They needed money. It was their
11 fault that Ms. Tonge's mom had cancer and medical
12 bills to pay.

13 Did he blame Mr. Gygi? It was his fault he
14 lost his job. He came to me. He needed money. I was
15 just helping out friends.

16 Have you ever had a boss who blamed everyone
17 else when things went wrong? That's the kind of boss
18 he was. He even blamed the website. Do you remember
19 this? He said: It's the website's fault, AlphaBay's
20 fault that their sales went through the roof. If it
21 weren't for AlphaBay, he wouldn't be in this mess.
22 That's what he said.

23 Let's talk about this last one. Effort.
24 You've heard from the defendant, from his mother, his
25 sister, and now his the attorney that he's just not

1 smart enough, not smart enough to do it. You heard
2 from expert witnesses talk about things like the Dark
3 Net, Dark Net marketplaces, PGP encryption, cashing
4 out BitCoins. You heard all these things. And what
5 did they say about it? That it's not hard, just
6 Google it. What did Mr. Shamo do? He Googled it.

7 I don't know what his true aptitude is. None
8 of us do. But this much is clear. Whatever he lacked
9 in ability he made up for with effort. Thousands of
10 Google searches, constant researching, trial and
11 error, as scary as that idea is, trial and error. He
12 was a man dedicated to perfecting his trade craft, to
13 building an organization, getting rich.

14 He admitted he ran the website. It was under
15 his sole control. He admitted, he's the one who got
16 the Bitcoin from it. I made, like -- I made, like,
17 the fundamental mistake on cross examination. I asked
18 an open-ended question. I said: Okay, tell us, how
19 much did you pay Drew Crandall, this man you're saying
20 is the real boss, how much did you pay him?

21 He couldn't say.

22 I said: Is it a hundred-thousand dollars?

23 He didn't need it. That was his response.

24 He didn't need it.

25 All he paid him was a wage for his customer

1 service work. Why didn't he pay him more? Because
2 with money comes greed. In his own words.

3 So, how do you know? How can you know
4 whether or not this organization is his? Would you
5 like to know what he thought about it when he was in
6 it? Let's look at the evidence. This, you will
7 recall, is telegram messages between the defendant and
8 Julian Mausia, one of the package receivers. They go
9 back and forth talking about, hey, your package is
10 here. I'll come pick it up, making payment, things
11 like that.

12 But right at the end, a couple weeks before,
13 Mr. Shamo says this about his criminal enterprise, he
14 said: It's something I've been able to build up and
15 grow, and it's been my baby for so long.

16 It was his baby. It was the crowning
17 achievement of his life. He told you he had plans to
18 stop. Is that true? More telegram messages, this
19 time with Mario Noble. Mario Noble at the top says:
20 Hey, it's close man. It feels like things are
21 smoothing out. People love us -- referring to online
22 feedback and customer service feed back -- LOL.

23 What's Mr. Shamo's response? True. Once I
24 get another shipping department in another state, I'll
25 feel a lot better. That will come in a month or two.

1 Did he make plans in a month or two? He sure
2 did. Sean Gygi wore that wire, recorded that
3 conversation. He says: Hey, yes, so Colorado, we're
4 still good for that, right?

5 What does Mr. Shamo say?

6 He doesn't say: What are you talking about?

7 They had plans. He says: Yeah, I'm going to
8 take a month or two off, so March or April, let's aim
9 for that for Colorado. So start looking for places.

10 He was never going to stop because with money
11 comes greed. Let's settle this question once and for
12 all. Was Mr. Shamo the principal leader, organizer
13 and administrator of the Pharma-Master continuing
14 criminal enterprise? From his own words, this time
15 notes, Exhibit 14.29: I am Shamo. I am awesome. My
16 friends love me. I created an empire.

17 And so he did. But at what cost?

18 THE COURT: Thank you, Mr. Gadd.

19 Ladies and Gentlemen of the Jury, here's what
20 will happen now. In a minute, the court security
21 officer will come forth and be sworn and will take you
22 into the jury room where you will get the original
23 Special Verdict Form and all the exhibits that have
24 been admitted into evidence except the Fentanyl.

25 Now, Juror No. 14, now 13, you're

1 provisionally excused. Provisionally. You got that
2 word? Because if something happens to one of these
3 jurors and they are unable to continue deliberating,
4 we will call you back and you will join the
5 deliberations. You will become part of the jury. So
6 don't talk about the case. Don't let anybody talk
7 about it with you. Don't read anything about it.

8 We will -- if we need you, we will call you
9 back. If we don't need you, we will tell you after a
10 verdict is in. And then you can do what you want,
11 talk about it not talk about it, whatever. All right?

12 I'll ask the court security officer to come
13 forward and be sworn, please.

14 (Whereupon the court security officer was sworn.)

15 THE COURT: Follow the court security officer
16 in. And, provisional juror, if you need to get
17 something out of that room, you can take it and go.

18 Now, you should begin deliberating, talking
19 about the case, of course.

20 (Whereupon the jury leaves the courtroom to begin
21 deliberation.)

22 Now, I assume the regular people who deal
23 with the Fentanyl will take it away.

24 Now, with respect to the other exhibits,
25 usually my courtroom deputy takes them in. I'm not

1 sure if she can get that pill press in there or some
2 of these heavier things. Is there any solution to
3 that problem?

4 MR. GADD: We're happy to help.

5 THE COURT: Maybe you lawyers -- the lawyers
6 can help take them in, but somebody from each side has
7 to be there, so you make sure nobody talks to anybody.

8 All right. We'll be in recess. Oh, we need
9 working phone numbers.

10 THE CLERK: I have it.

11 THE COURT: Do you have all that? So we can
12 call you when and if they decide to go home and when
13 and if they get a verdict and when and if we get
14 questions. All right. Thank you.

15

16

17

18

19

20

21

22

23

24

25 (Whereupon the proceedings were concluded.)

